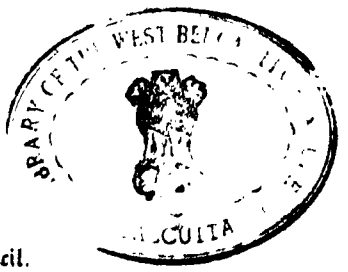
Proceedings of the Council

OF THE

LIEUT.-GOVERNOR OF BENGAL.

Index to Vol. XXXIX.

JANUARY TO DECEMBER, 1907.



Published by Authority of the Council.

Calcutta:

BENGAL SECRETARIAT PRESS.

1908.

BENGAL LEGISLATIVE
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INDEX TO THE PROCEEDINGS

OF THE

COUNCIL OF THE LIEUT.-GOVERNOR OF BENGAL,

FOR THE YEAR 1907.

A.

ADDITIONS TO CADRE OF PROVINCIAL EXECUTIVE SERVICE. *See* Questions. Page.

ADJOURNMENTS OF COUNCIL. *See* Council.

ADMINISTRATION AND RE-CONSTITUTION OF THE SONTHAL PARGANAS. *See* Questions.

ALAIPUR KHAL. *See* Questions

ALLEN, HON'BLE MR. C. G. H.—
Bengal Financial Statement for 1907-08 136
Bengal Tenancy (Amendment) Bill, 1906 . . . . . 94, 98

ALLEN, HON'BLE MR. C. G. H., appointed to Select Committees on—
Bengal Tenancy (Amendment) Bill, 1906 11
Calcutta and Suburban Police (Amendment) Bill, 1907 226

APPELLATE COURTS IN THE SONTHAL PARGANAS. *See* Questions.

APPOINTMENT OF EUROPEAN AND EURASIAN OFFICERS IN PROVINCIAL EXECUTIVE SERVICE. *See* Questions.

APPOINTMENT OF SPECIAL CONSTABLES. *See* Questions.

APPOINTMENT TO HIGHER GRADES IN PROVINCIAL EXECUTIVE SERVICE. *See* Questions.

ATHARABANKA RIVER. *See* Questions.

B.

BAN BIHARI KAPUR. *See* Kapur.

BASU, HON'BLE BABU BHUPENDRA NATH—
Asked questions regarding the Additions to Cadre of Provincial Executive Service. . 243
Ditto ditto Administration and Re-constitution of the Sonthal Parganas (in the absence of the Hon'ble Babu Jogendra Nath Mukharji) . 221
Ditto ditto Appointment of European and Eurasian Officers in Provincial Executive Service 244
Ditto ditto Appointment of Special Constables . . . 23
Ditto ditto Appointment to higher grades in Provincial Executive Service 245
Ditto ditto Block of promotion in Provincial Executive Service 243
Ditto ditto Case of Mr. Lyall 23
Ditto ditto Chief Presidency Magistrate, Calcutta . 220, 221
Ditto ditto Darjeeling Murder Case 242
Ditto ditto European Members of Provincial Executive Service 25
Ditto ditto Flogging of Sunil Kumar Sen 243
Ditto ditto Promotion by selection of merit 45
Ditto ditto Promotions in Provincial Executive Service . 244
Ditto ditto Provincial Executive Service 24
Ditto ditto Restrictions to employment in Provincial Executive Service 243

PAGE.

BASU, HON'BLE BABU BHUPENDRA NATH—*concld.*
Bengal Financial Statement for 1907-08 169
Bengal Tenancy (Amendment) Bill, 1906 . . 73, 74, 93, 95, 96, 100, 108, 110, 112, 118, 121
Calcutta and Suburban Police (Amendment) Bill, 1907 . . . . . 223, 225

BASU, HON'BLE BABU BHUPENDRA NATH, appointed to Select Committee on—
Calcutta and Suburban Police (Amendment) Bill, 1907 226

BENGAL FINANCIAL STATEMENT FOR 1907-08.
Laid before Council on 23rd March, 1907 27
Discussed in Council 139-216

BENGAL LOCAL SELF-GOVERNMENT (AMENDMENT) BILL, 1906.
Report of Select Committee presented 16
Consideration of Bill postponed 139

BENGAL TENANCY (AMENDMENT) BILL, 1906.
Additions to Select Committee on, ... 11
Report of Select Committee presented 16
Ditto ditto considered 71
Clauses of Bill considered . . . . . *ib.*
Amendments proposed and adopted . 71, 71-72, 75, 76, 78, 80-81, 81, 81-82, 82, 83, 85, 87, 87-90, 101, 102, 103, 115, 115-116, 118, 128
Ditto and negatived . 73, 73-74, 74-75, 75, 76, 76-78, 78-80, 80, 84-85, 85-86, 86, 86-87, 90-92, 92-95, 95-96, 96-100, 101-102, 102-103, 103-115, 115-125, 125-126, 127, 127-128
Ditto and withdrawn . 71, 72, 72-73, 75, 78, 83, 84, 92, 102, 109, 121, 121-122, 127, 128
Consideration of amendment postponed 82-83
Bill passed 139

BERTRAM, HON'BLE MR. J. B.—
Bengal Financial Statement for 1907-08 160
Bengal Tenancy (Amendment) Bill, 1906 105

BHUPENDRA NATH BASU. *See* BASU.

BLOCK OF PROMOTION IN PROVINCIAL EXECUTIVE SERVICE. *See* Questions.

BUDGET. *See* Bengal Financial Statement for 1907-08.

C.

CALCUTTA AND SUBURBAN POLICE (AMENDMENT) BILL, 1907.
Leave to introduce 222
Introduced and read in Council 225
Referred to Select Committee 226
Report of Select Committee presented 247
Ditto ditto considered . . . . . *ib.*
Clauses of Bill considered 248
Amendments proposed and adopted 251, 252, 253
Ditto and negatived 248, 251, 251-252
Bill passed 253

CALCUTTA PORT (AMENDMENT) BILL, 1907.
Leave to introduce 221
Introduced and read in Council . . . . . *ib.*
To be considered at next meeting . . . . . *ib.*
Clauses of Bill considered 246
Amendments proposed and adopted 246-247, 247
Bill passed 247

PAGE.

CARLYLE, HON'BLE MR. R. W.—

Bengal Financial Statement for 1907-08 199
Bengal Tenancy (Amendment) Bill, 1906 . 11, 16, 71, 72, 73, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 95, 96, 101, 103, 108, 109, 116, 120, 121, 122, 129
Replied to questions regarding the Appointment of Special Constables . . 23
Ditto ditto Case of Kishori Mohan Mitter and others . . 23
Ditto ditto Case of Mr. Lyall 24
Ditto ditto Case of Sachindra Kumar Bose . . . 10
Ditto ditto "Corner" in rice in Calcutta 10
Ditto ditto Court-fees in the Sonthal Parganas . . 126
Ditto ditto Court of Wards and the late Raja Ashutosh Nath Roy of Cossimbazar 11
Ditto ditto European Members of the Provincial Executive Service 24
Ditto ditto Price of paddy and rice 20
Ditto ditto Provincial Civil Service 3
Ditto ditto Provincial Executive Service . . 24 & 128
Ditto ditto Sub-Deputy Collectors 127

CASE OF GOBIND RUTH. *See* Questions.

CASE OF KISHORI MOHAN MITTER AND OTHERS. *See* Questions.

CASE OF MR. LYALL. *See* Questions.

CASE OF SACHINDRA KUMAR BOSE. *See* Questions.

CHIEF PRESIDENCY MAGISTRATE, CALCUTTA. *See* Questions.

CHOTA NAGPUR TENANCY (AMENDMENT) BILL, 1907.

Leave to introduce 4
Introduced and read in Council 6
Referred to Select Committee 11
Addition to Select Committee on, ... 17
Presentation of Select Committee's Report deferred 26

CIVIL JUSTICE IN THE SONTHAL PARGANAS. *See* Questions.

COLLIN, HON'BLE MR. E. W.—

Bengal Financial Statement for 1907-08 187

COLLIN, HON'BLE MR. E. W., appointed to Select Committee on—

Calcutta and Suburban Police (Amendment) Bill, 1907 227

"CORNER" IN RICE IN CALCUTTA. *See* Questions.

COUNCIL OF THE LIEUTENANT-GOVERNOR OF BENGAL.

Adjournments of, ... 5, 17, 65, 116, 124, 206
Ditto to a date to be notified hereafter 11
Ditto *sine die* 210, 252
Divisions of, ... 74, 75, 80, 85, 109, 115
Meetings of, ... 1, 7, 13, 19, 67, 117, 185, 217, 227
See Debates.

COURT-FEES IN THE SONTHAL PARGANAS. *See* Questions.

COURT OF WARDS AND THE LATE RAJA ASHUTOSH NATH ROY, OF COSSIMBAZAR. *See* Questions.

PAGE

D.

DARJEELING MURDER CASE. *See* Questions.

DEBATES IN COUNCIL ON—

Bengal Financial Statement for 1907-08 189-216
Bengal Tenancy (Amendment) Bill, 1906 . . . . . 71-118, 118-134
Calcutta and Suburban Police (Amendment) Bill, 1907 . . . 223-228, 247-253

DIAMOND JUBILEE COLLEGE OF MIDNAPUR. *See* Questions.

DRAINAGE SCHEME OF JESSORE. *See* Questions.

DREDGING OF THE ATHARABANKA RIVER. *See* Questions.

DRUNKENNESS IN RANCHI. *See* Questions.

E.

EDUCATIONAL SERVICE. *See* Questions.

EUROPEAN MEMBERS OF THE PROVINCIAL EXECUTIVE SERVICE. *See* Questions.

F.

FEMALE EDUCATION. *See* Questions.

FINANCIAL STATEMENT. *See* Bengal Financial Statement for 1907-08.

FLOGGING OF SUSIL KUMAR SEN. *See* Questions.

G.

GAIT, HON'BLE MR. E. A.—

Bengal Financial Statement for 1907-08 188
Calcutta and Suburban Police (Amendment) Bill, 1907 . 222, 225, 226, 247, 248, 251, 252, 253
Replied to questions regarding the Additions to Cadre of Provincial Executive Service 243
Ditto ditto Appellate Courts in the Sonthal Parganas . 136
Ditto ditto Appointment of European and Eurasian Officers in Provincial Executive Service . 244
Ditto ditto Appointment to higher grades in Provincial Executive Service 245
Ditto ditto Block of promotion in Provincial Executive Service 243
Ditto ditto Case of Gobind Ruth 237
Ditto ditto Case of Sachindra Kumar Bose . . . 230
Ditto ditto Chief Presidency Magistrate, Calcutta . 231
Ditto ditto Civil Justice in the Sonthal Parganas . 102
Ditto ditto Darjeeling Murder case 242
Ditto ditto Dredging of the Atharabanka . . . 241
Ditto ditto Educational Service 10
Ditto ditto High price of rice 238
Ditto ditto Magrahat Drainage Scheme . . . 238
Ditto ditto Promotion by special selection of merit . 245
Ditto ditto Promotions in Provincial Executive Service . 244
Ditto ditto Proposed transfer of Kaligani Thana . . 241
Ditto ditto Restrictions to employment in Provincial Executive Service 245
Ditto ditto Silting up of the River Gorai . . . 241
Ditto ditto Sobha Bazar Murder case 218-219
Ditto ditto Undetected Murder in Pandua . . . 238

GAIT, HON'BLE MR. E. A., appointed to Select Committee on—

Calcutta and Suburban Police (Amendment) Bill, 1907 . 226

INDEX.

Ghosh, Hon'ble Babu Jogendra Chandra— Page.

Asked questions regarding the Alaipur Khal 3
Ditto ditto Atharabanka River 4
Ditto ditto Drainage Scheme of Jessore 241
Ditto ditto Dredging of the Atharabanka 241
Ditto ditto Female Education 15
Ditto ditto Gorai River 3
Ditto ditto Judicial Service 2
Ditto ditto Manufacture of Salt 9
Ditto ditto Mathabanga River 4
Ditto ditto Pension Rules of Provincial Judicial Service . . 240
Ditto ditto Primary Education 15
Ditto ditto Proposed transfer of Kaliganj Thana . . . 241
Ditto ditto Provincial Civil Service 3
Ditto ditto Salary Commission's Report 240
Ditto ditto Schools for Indian Girls 14
Ditto ditto Silting up of the River Gorai 241
Ditto ditto Technical College 15
Ditto ditto Technical Education 240
Ditto ditto Technical Institutions 9
Bengal Financial Statement for 1907-08 143
Bengal Tenancy (Amendment) Bill, 1906 . . 71, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 90, 91, 93, 101, 102, 103, 125, 127, 128
Calcutta and Suburban Police (Amendment) Bill, 6 . . . . . 325, 348, 351

Ghosh, Hon'ble Babu Jogendra Chandra, appointed to Select Committee on—
Calcutta and Suburban Police (Amendment) Bill, 1907 326

Ghosh, Hon'ble Babu Kali Pada—
Asked questions regarding the Drunkenness in Ranchi 70
Ditto ditto Educational Service 69
Ditto ditto Salaries of Ministerial Officers 68
Bengal Financial Statement for 1907-08 129
Bengal Tenancy (Amendment) Bill, 1906 . 73, 77, 78, 84, 86, 90, 91, 92, 96, 101, 102-121
Calcutta and Suburban Police (Amendment) Bill, 1907 353
Chota Nagpur Tenancy (Amendment) Bill, 1907 26

Gorai River. *See* Questions.

Gordon, Hon'ble Mr. G.—
Bengal Tenancy (Amendment) Bill, 1906 93

Gordon, Hon'ble Mr. G., appointed to Select Committee on—
Chota Nagpur Tenancy (Amendment) Bill, 1907 11

Gupta, Hon'ble Mr. K. G.—
Bengal Financial Statement for 1907-08 206

H.

High Price of Rice. *See* Questions.

I.

Ismail, Hon'ble Mr. W. A—
Bengal Financial Statement for 1907-08 193
Asked questions regarding the Alaipur Khal 3
Ditto ditto Atharabanka River 4
Ditto ditto Gorai River 3
Ditto ditto Landing-stages on the River Hooghly . . 19
Ditto ditto Mathabanga River 4

J.

Jogendra Chandra Ghosh. *See* Ghosh.

Jogendra Nath Mukherjee. *See* Mukherjee.

Judgments in certain Municipal cases. *See* Questions.

Judicial Service. *See*

PAGE

K.

KELI PADA GHOSH. *See* Ghosh.

KAPUR, HON'BLE RAJA BAN BIHARI—

Bengal Financial Statement for 1907-08 144
Bengal Tenancy (Amendment) Bill, 1906 . . . . . 93, 98, 106, 119, 132

KAPUR, HON'BLE RAJA BAN BIHARI, appointed to Select Committee on—

Bengal Tenancy (Amendment) Bill, 1906 71

L.

LANDING-STAGES ON THE RIVER HOOGHLY. *See* Questions.

LIEUTENANT-GOVERNOR OF BENGAL (HON'BLE SIR ANDREW FRASER)—*President.*

Bengal Financial Statement for 1907-08 . . . . . 160, 209
Bengal Local Self-Government (Amendment) Bill, 1906 139
Bengal Tenancy (Amendment) Bill, 1906 . . . . . 81, 132
Obituary reference to the late Nawab of Murshidabad by, ... 2
Statement by, regarding business before Council. 65

M.

MCINTOSH, HON'BLE MR. H. J.—

Bengal Financial Statement for 1907-08 . . . . . 27, 206
Bengal Local Self-Government (Amendment) Bill, 1906 16
Replied to questions regarding the Drainage Scheme of Jessore 241
Ditto ditto Drunkeness in Ranchi 70
Ditto ditto Manufacture of Salt 9
Ditto ditto Municipal Taxes in Howrah 68
Ditto ditto Re-assessment in Howrah 68
Ditto ditto Re-valuation of holdings in Howrah . . 68
Ditto ditto Salaries of Ministerial Officers . . 68 & 238
Ditto ditto Septic Tanks 2
Ditto ditto Supply of filtered water in Gaya . . 239

MCINTOSH, HON'BLE MR. H. J, appointed to Select Committee on—

Chota Nagpur Tenancy (Amendment) Bill, 1907 11

MAGHAHAT DRAINAGE SCHEME. *See* Questions.

MANUFACTURE OF SALT. *See* Questions.

MATHABANGA RIVER. *See* Questions.

MEMBERS. *See* New Members.

MEMORIAL FOR TRANSFERRING CIVIL AND CRIMINAL BUSINESS OF PALAMAU. *See* Questions.

MUKERJEE, HON'BLE BABU JOGENDRA NATH—

Asked questions regarding the Appellate Courts in the Sonthal Parganas . . 138
Ditto ditto Civil Justice in the Sonthal Parganas . . . 70
Ditto ditto Court-fees in the Sonthal Parganas . . . 136
Ditto ditto Diamond Jubilee College of Bhagalpur . . 25
Ditto ditto Memorial for transferring Civil and Criminal Business of Palamau . . . 239
Ditto ditto Provincial Executive Service 137
Ditto ditto Sub-Deputy Collectors 136
Ditto ditto Supply of filtered water in Gaya . . . 238, 239
Ditto ditto Undetected Murder in Pandoo 239
Bengal Financial Statement for 1907-08 . . . . . [illegible]
Bengal Local Self-Government (Amendment) Bill, 1906 . . . . . [illegible]
Bengal Tenancy (Amendment) Bill, 1906 . . 78, 79, 99, 106, 119, 128, 130, 132
Calcutta and Suburban Police (Amendment) Bill, 1907 . . . . . [illegible]
Chota Nagpur Tenancy (Amendment) Bill, 1907 . . . . . 31.

INDEX.

PAGE.

MEMBERJEE, HON'BLE BABU JOGENDRA NATH, appointed to Select Committees on—
Bengal Tenancy (Amendment) Bill, 1906 11
Chota Nagpur Tenancy (Amendment) Bill, 1907 . . . . . ib.

MEMBERJEE, HON'BLE RAJA PEARY MOHAN—
Bengal Financial Statement for 1907-08 143
Bengal Tenancy (Amendment) Bill, 1906 . . . 79, 86, 93, 102, 105, 120, 127, 129

MEMBERJEE, HON'BLE RAJA PEARY MOHAN, appointed to Select Committees on—
Bengal Tenancy (Amendment) Bill, 1906 11

MUNICIPAL TAXES IN HOWRAH. *See* Questions.

MURSHIDABAD, THE LATE NAWAB BAHADUR OF—. 2
Obituary reference to,

MURSHIDABAD, THE HON'BLE IHTISHAM-UL MULK RAIS-UD-DOWLA AMIR-UL-OMRAH NAWAB ASSF KUDR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABUT JUNG, NAWAB BAHADUR OF—
Bengal Financial Statement for 1907-08 144

N.

NAWAB BAHADUR OF MURSHIDABAD. *See* Murshidabad.

NEW MEMBERS—
Hon'ble Raja Ban Bihari Kapur, C.S.I. (took his seat in Council on the 2nd February, 1907) 7
Hon'ble Raja Peary Mohan Mukherjee, C.S.I. (took his seat in Council on the 2nd February, 1907) . . . . . ib.
Hon'ble Mr. K. G. Gupta (took his seat in Council on the 9th March, 1907) . 13
Hon'ble Mr. W. A. Inglis (took his seat in Council on the 9th March, 1907) . ib.
Hon'ble Ihtisham-ul-Mulk Rais-ud-dowla Amir-ul-Omrah Nawab Asef Kudr Syud Wasif Ali Meerza Khan Bahadur, Mahabut Jung Nawab Bahadur of Murshidabad (took his seat in Council on the 9th March, 1907) . . . ib.
Hon'ble Babu Kali Pada Ghosh (took his seat in Council on the 23rd March, 1907) 18
Hon'ble Mr. E. A. Gait, C.I.E. (took his seat in Council on the 2nd April, 1907) . 67
Hon'ble Mr. W. C. Macpherson, C.S.I (took his seat in Council on the 27th July, 1907) 217
Hon'ble Mr. H. C. Streatfield (took his seat in Council on the 27th July, 1907) . ib.
Hon'ble Mr. C. G. H. Allen (took his seat in Council on the 27th July, 1907) . ib.
Hon'ble Mr. G. H. Sutherland (took his seat in Council on the 27th July, 1907) . ib.
Hon'ble Mr. G. Gordon (took his seat in Council on the 7th September, 1907) . 327
Hon'ble Rai Kishori Lal Goswami Bahadur, M.A., B.L. (took his seat in Council on the 7th September, 1907) . . . . . ib.

P.

HON'BLE BABU RAJANI CHARAN—
Asked questions regarding the Case of Govind Ruth 237
Ditto ditto "Corner" in Rice in Calcutta 10
Ditto ditto Court of Wards and the late Raja Ashutosh Nath Roy, of Cossimbazar . . . . . ib.
Ditto ditto High price of Rice 224
Ditto ditto Judgments in certain Municipal cases . . . 236
Ditto ditto Kishori Mohan Mittar and others (in the absence of the Hon'ble Babu Bhupendra Nath Basu) . 21-22
Ditto ditto Landing-stages on the River Hooghly . . . 9
Ditto ditto Magrahat Drainage Scheme 238
Ditto ditto Sachindra Kumar Bose 10, 219-220

PAGE.

PAL, HON'BLE BABU RADHA CHARAN—*concld.*

Asked questions regarding the Municipal Taxes in Howrah 68
Ditto ditto Price of paddy and rice 30
Ditto ditto Re-assessment in Howrah 68
Ditto ditto Re-valuation of holdings in Howrah . . . 66.
Ditto ditto Salaries of Ministerial Officers 238
Ditto ditto Septic Tanks 2
Ditto ditto Sobha Bazar Murder case 218
Ditto ditto Strand Bank Road and Prasanna Coomar Tagore Ghat 210
Bengal Financial Statement for 1907-08 152
Bengal Tenancy (Amendment) Bill, 1906 . . . . . 73, 77, 91, 94, 114
Calcutta and Suburban Police (Amendment) Bill, 1907 222

PAL, HON'BLE BABU RADHA CHARAN, appointed to Select Committee on—
Calcutta and Suburban Police (Amendment) Bill, 1907 226

PEARY MOHAN MUKHERJEE. *See* Mukherjee.

PENSION RULES OF PROVINCIAL JUDICIAL SERVICE. *See* Questions.

POLICE. *See* Calcutta and Suburban Police (Amendment) Bill, 1907.

POST. *See* Calcutta Port (Amendment) Bill, 1907.

PRESIDENT. *See* Lieutenant-Governor of Bengal.

PRICE OF PADDY AND RICE. *See* Questions.

PRIMARY EDUCATION. *See* Questions.

PROMOTION BY SPECIAL SELECTION OF MERIT. *See* Questions.

PROMOTIONS IN PROVINCIAL EXECUTIVE SERVICE. *See* Questions.

PROPOSED TRANSFER OF KALIGANJ THANA. *See* Questions.

PROVINCIAL CIVIL SERVICE. *See* Questions.

PROVINCIAL EXECUTIVE SERVICE. *See* Questions.

Q.

QUESTIONS ASKED IN COUNCIL—

Additions to Cadre of Provincial Executive Service (on 7th September, 1907) . 243
Administration and Re-constitution of the Sonthal Parganas (on the 27th July, 1907) 221
Alaipur Khal (on 12th January, 1907) 3
Appellate Courts in the Sonthal Parganas (on 6th April, 1907) 138
Appointment of European and Eurasian Officers in Provincial Executive Service (on 7th September, 1907) 244
Appointment of Special Constables (on 23rd March, 1907) 22
Appointment to higher grades in Provincial Executive Service (on 7th September, 1907) 245
Atharabanka River (on 12th January, 1907) 6
Block of promotion in Provincial Executive Service (on 7th September, 1907) . 242
Case of Gobind Ruth (on 7th September, 1907) 237
Case of Kishori Mohan Mitter and others (on 23rd March, 1907) 21
Case of Mr. Lyall (on 23rd March, 1907) 23
Case of Sachindra Kumar Bose (on 2nd February, and 27th July, 1907) . 10, 219-220
Chief Presidency Magistrate, Calcutta (on 27th July, 1907) 230-231
Civil Justice in the Sonthal Parganas (on 2nd April, 1907) 70
"Corner" in Rice in Calcutta (on 2nd February, 1907) 10
Court-fees in the Sonthal Parganas (on 6th April, 1907) 139
Court of Wards and the late Raja Ashutosh Nath Roy, of Cossimbazar (on 2nd February, 1907) 10
Darjeeling Murder case (on 7th September, 1907) 242

QUESTIONS ASKED IN COUNCIL—*concld.* PAGE.

Diamond Jubilee College of Monghyr (on 23rd March, 1907) . . . 25
Drainage Scheme of Jessore (on 7th September, 1907) 241
Dredging of the Atharabanka River (on 7th September, 1907) . . . . *ib.*
Drunkenness in Ranchi (on 2nd April, 1907) 70
Educational Service (on 2nd April, 1907) 69
European Members of the Provincial Executive Service (on 23rd March, 1907) . 26
Female Education (on 9th March, 1907) 15
Flogging of Susil Kumar Sen (on 7th September, 1907) 245
Gorai River (on 12th January, 1907) 4
High Price of Rice (on 7th September, 1907) 228
Judgments in certain Municipal cases (on 7th September, 1907) . . . 238
Judicial Service (on 12th January, 1907) 2
Landing-stages on the River Hooghly (on 2nd February, 1907) 9
Magrahat Drainage Scheme (on 7th September, 1907) 228
Manufacture of Salt (on 2nd February, 1907) 9
Mathabanga River (on 12th January, 1907) 4
Memorial for transferring Civil and Criminal business of Palamau (on 7th September, 1907) 239
Municipal Taxes in Howrah (on 2nd April, 1907) 68
Pension Rules of Provincial Judicial Service (on 7th September, 1907) . . 240
Price of paddy and rice (on 23rd March, 1907) 20
Primary Education (on 9th March, 1907) 15
Promotion by special selection of merit (on 7th September, 1907) . . . 245
Promotions in Provincial Executive Service (on 7th September, 1907) . . 244
Proposed transfer of Kaliganj Thana (on 7th September, 1907) . . . 241
Provincial Civil Service (on 12th January, 1907) 3
Provincial Executive Service (on 23rd March, and 6th April, 1907) . . 24 & 137
Re-assessment in Howrah (on 2nd April, 1907) 68
Restrictions to employment in Provincial Executive Service (on 7th September, 1907) 245
Re-valuation of holdings in Howrah (on 2nd April, 1907) 68
Salaries of Ministerial Officers (on 2nd April, and 7th September, 1907) . . 68 & 238
Salary Commission's Report (on 7th September, 1907) 240
Schools for Indian Girls (on 9th March, 1907) 14
Septic Tanks (on 12th January, 1907) 2
Silting up of the River Gorai (on 7th September, 1907) 241
Sobha Bazar Murder case (on 27th July, 1907) 218
Strand Bank Road and Prasanna Coomar Tagore Ghat (on 27th July, 1907) . 219
Sub-Deputy Collectors (on 6th April, 1907) 136
Supply of filtered water in Gaya (on 7th September, 1907) 238-239
Technical College (on 9th March, 1907) 15
Technical Education (on 7th September, 1907) 240
Technical Institutions (on 2nd February, 1907) 8
Undetected Murder in Pandoo (on 7th September, 1907) 239

R.

RADHA CHARAN PAL. *See* Pal

RE-ASSESSMENT IN HOWRAH. *See* Questions.

RESTRICTIONS TO EMPLOYMENT IN PROVINCIAL EXECUTIVE SERVICE. *See* Questions.

RE-VALUATION OF HOLDINGS IN HOWRAH. *See* Questions.

RICHARDSON, HON'BLE MR. T. W.—

Replied to questions regarding the Diamond Jubilee College of Monghyr . . 25-26
Ditto ditto Female Education 15
Ditto ditto Judicial Service 2
Ditto ditto Primary Education 15
Ditto ditto Schools for Indian Girls 14
Ditto ditto Technical College 15-16
Ditto ditto Technical Institutions 8

PAGE.

S.

SALARIES OF MINISTERIAL OFFICERS. *See* Questions.

SALARY COMMISSION'S REPORT. *See* Questions.

SCHOOLS FOR INDIAN GIRLS. *See* Questions.

SELECT COMMITTEES—

Title of Bill.	Appointed and Supplemented	Report presented.	Report considered.
Bengal Local Self-Government (Amendment) Bill, 1906 ..	.....	16	.....
Bengal Tenancy (Amendment) Bill, 1906	11	16	71
Calcutta and Suburban Police (Amendment) Bill, 1907 ...	226	247	247
Chota Nagpur Tenancy (Amendment) Bill, 1907 ...	11 and 17	.....	.....

SEPTIC TANKS. *See* Questions

SILTING UP OF THE RIVER GORAI *See* Questions.

SLACKE, HON'BLE MR. F. A.—

Bengal Tenancy (Amendment) Bill, 1906 99
Calcutta Port (Amendment) Bill, 1907 . . . . . 224, 246, 247
Chota Nagpur Tenancy (Amendment) Bill, 1907 . . . . . 4, 5, 11, 17, 26
Replied to questions regarding the Strand Bank Road and Prasanna Coomar Tagore Ghat 219

SLACKE, HON'BLE MR. F. A., appointed to Select Committee on—

Chota Nagpur Tenancy (Amendment) Bill, 1907 11

SOBHA BAZAR MURDER CASE. *See* Questions.

SPINK, HON'BLE MR. W. T.—

Bengal Financial Statement for 1907-08 167

STRAND BANK ROAD AND PRASANNA COOMAR TAGORE GHAT. *See* Questions.

STEBBATFEILD, HON'BLE MR. H. C.—

Replied to questions regarding the Administration and Re-constitution of the Sonthal Parganas 221
Ditto ditto Flogging of Sunil Kumar Sen . . . 246
Ditto ditto Judgments in certain Municipal cases . 238
Ditto ditto Memorial for transferring Civil and Criminal business of Palamau . . 239
Ditto ditto Pension Rules of Provincial Judicial Service 240
Ditto ditto Technical Education 240

SUB-DEPUTY COLLECTORS. *See* Questions.

SUBURBAN POLICE. *See* Calcutta and Subarban Police (Amendment) Bill, 1907.

SUPPLY OF FILTERED WATER IN GAYA. *See* Questions.

T.

TECHNICAL COLLEGE *See* Questions.

TECHNICAL EDUCATION. *See* Questions.

TECHNICAL INSTITUTIONS *See* Questions.

TENANCY. *See* Bengal Tenancy (Amendment) Bill, 1906 ; Chota Nagpur Tenancy (Amendment) Bill, 1907.

U.

UNDETECTED MURDER IN PANDOO. *See* Questions.

B. S. Press—8-1-1908—12697—300—R. G. and others.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 12th January, 1907.

Present:

The Hon'blo SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L

[*The President; Babu Radha Charan Pal; Mr. McIntosh; Babu Jogendra Chandra Ghose; Mr. Richardson.*]

THE LATE NAWAB BAHADUR OF MURSHIDABAD.

The Hon'ble the President said:—

"I am sure that Hon'ble Members of this Council will desire that I should communicate to our colleague, the Hon'ble Nawab Bahadur of Murshidabad, an expreession of the deep regret with which we have heard of the death of his father, and our sympathy with him in his bereavement. It must be some consolation to our colleague to see how men of all races and creeds have joined in expressing their sympathy with him, and so manifesting the deep respect with which his venerable father was regarded by all sections of the community, though illness had so long kept him secluded from public life."

QUESTIONS AND ANSWERS.

SEPTIC TANKS.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Will the Government be pleased to state the total number of septic tanks in this Province, and whether any new installations have been constructed in the present year?

(*b*) Is the Government now in possession of the report of Dr. Fowler, the specialist sent out from England to inquire into the septic tank installations in Bengal?

(*c*) If so, will the Government be pleased to state when the report is going to be made public?

The Hon'ble MR. MCINTOSH replied:—

"(*a*) There are about 50 septic tank installations in the Province, of which 15 were constructed or were under construction during 1906. Some of these have not been brought into use yet. In this connection, the Hon'ble Member's attention is invited to the Resolution of Government, No. 41S, dated 6th January, 1906, which was published in the Calcutta Gazette.

"(*b*) *and* (*c*) Dr. Fowler's Report has not been received yet."

JUDICIAL SERVICE.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

The Government was pleased to announce that it would consider the matter of the hardship under which members of the Judicial Service labour by the operation of the 55 years' compulsory retirement rule, having regard to the fact that few of them are made permanent in their appointments before they are 30 years of age. Has the Government come to any decision on the matter? Will the Government be pleased to consider the advisability of ordering that—(1) the period of service entitling a Judicial Officer to pension be slightly reduced; (2) that the officiating period be counted as actual pensionable service, and (3) that the age for compulsory retirement be raised to 57 years in cases of gentlemen who would not otherwise be entitled to full pension?

The Hon'ble MR. RICHARDSON replied:—

"The proposal that Munsifs should be permitted to count the broken periods spent by them in officiating appointments before confirmation as pensionable service is still under consideration with reference to the rules which regulate admission to the Subordinate Judicial Service.

"The suggestions of the Hon'ble Member that the period of service entitling a Judicial Officer to pension should be slightly reduced, and that the age for compulsory retirement should be raised in certain cases to 57 years, do not recommend themselves to the Government."

[*Babu Jogendra Chandra Ghose; Mr. Carlyle; Mr. Inglis.*]

PROVINCIAL CIVIL SERVICE.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Has the attention of Government been drawn to the adverse criticisms in the Calcutta Indian papers about the appointment of three gentlemen from outside the Provincial Civil Service at once to higher grades of that service over other competent officers who have been long in the service? Will the Government be pleased to consider the advisability of making its reasons for such appointments public?

Will the Government be pleased to consider the claims of Deputy Magistrates, who are already in the service, to promotions in making the appointments to the posts in the higher grades of the service recently sanctioned, and the advisability of not appointing outsiders at once to the higher grades?

The Hon'ble MR. CARLYLE replied:—

"The attention of Government has been drawn to the adverse criticism by some Calcutta papers regarding the recruitment of three gentlemen direct to higher grades of the Provincial Civil Service. The criticisms appear to be based on the assumption that members of the service are entitled to extra promotion, because the cadre has been increased. The cadre was increased with the object of providing a sufficient number of officers to cope with the increasing administrative needs of the Province. It was recognized at the outset that officers in the service had no claim to any extra promotion, which might be available owing to the increase in the number of appointments in the higher grades; and, in fact, one of the original proposals that received serious consideration was to separate the cadre of the new appointments entirely from that of the original service. This proposal was not accepted; but the fact remains that the members of the service, who were in it before the new appointments were made, have no claim of right, as based on reasonable expectation, to any promotion in the vacancies in the higher grades caused by the increase of the cadre. The Secretary of State has, however, sanctioned the partial filling up of the higher grades by officers in the service before the re-organization, and some officers will shortly be promoted. It was proposed by this Government, and the sanction of the Secretary of State has been accorded to the proposal to make a few direct appointments in the higher grades for this, among other reasons, that it was desirable to recruit a certain number of officers with special qualifications in order to strengthen the service. There does not appear to be any necessity for re-considering the question.

"The answer to the second part of the Hon'ble Member's question will be found in the remarks already made."

ALAIPUR KHAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Is the Government aware that the Alaipur Khal, the only convenient route to Eastern Bengal, which was excavated some years ago, is again silting up? Will the Government be pleased to consider the advisability of taking steps to prevent such silting up?

Will the Government be pleased, having regard to the present condition of the khal, now to accede to the prayer of the people of Khulna, contained in the joint address of the District Board and the Municipality, that a sluice-gate near the mouth of the Alaipur Khal should be put up?

The Hon'ble MR. INGLIS replied:—

"The Alaipur Khal is at present in good order but owing to the action of the tidal flow which enters from both ends silting must go on. The only way to remedy this is by the construction of locks at either end. The cost would be great, and it is doubtful if the traffic is sufficient to justify such expenditure. The question will receive the further consideration of Government."

[*Babu Jogendra Chandra Ghose; Mr. Inglis; Mr. Slacke.*]

ATHARBANKA RIVER.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Is the Government aware that the river Atharbanka, near Chachiadah, in thana Mollahat, in the district of Khulna, is silting up, and steamers cannot ply now there during ebb-tide? As the silting up of this portion of the river Atharbanka will make the Madaripur bhil route, opened at an outlay of over seven lakhs of rupees, useless, does the Government propose to take any action to clear the silt?

The Hon'ble MR. INGLIS replied:—

"Government has no present information with regard to the silting of the Atharbanka. An inquiry will be made."

GORAI RIVER.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

In consideration of the fact that the mouth of the Gorai or the Madhumati river, where it rises from the Ganges near Kushtia, is fast silting up, and thereby preventing the inflow of sufficient sweet water into the districts of Nadia, Jessore and Khulna, the khals and rivulets of which are also as a consequence fast deteriorating, will the Government be pleased to consider the advisability of removing the silt bar by periodical dredging or excavating another channel avoiding the silt bar by which water from the Ganges may flow, unimpeded, into the Gorai?

The Hon'ble MR. INGLIS replied:—

"There is not merely a silt bar at the intake of the Gorai from the Ganges, owing to a change in the channel of the Ganges there is a length of about eleven miles of river-bed which would have to be cleared to restore the flow in the season of low water. Even if it could be cleared, it would in all probability fill up again in the first flood. It does not appear to be practicable to alter the existing state of affairs."

MATHABHANGA RIVER.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

In consideration of the fact that the upper reaches of rivers Chitra, Bhairab, Kopotaksha and Noboganga, which all take their rise from the Mathabhanga river, have been silted up, will the Government be pleased to consider the advisability of excavating shallow canals in order to allow the waters of the Mathabhanga to flow into the above-named rivers, at least during the rainy season when there is more water in it than is necessary for the purposes of the navigation of the river Jelingi?

The Hon'ble MR. INGLIS replied:—

"This question will receive the consideration of Government."

THE CHOTA NAGPUR TENANCY (AMENDMENT) BILL, 1907.

The Hon'ble MR. SLACKE moved for leave to introduce a Bill further to amend the Chota Nagpur Landlord and Tenant Procedure Act and the Chota Nagpur Commutation Act, 1897. He said:—

"I rise, Sir, to ask for leave to introduce into Council a Bill to amend the Chota Nagpur Landlord and Tenant Procedure Act, 1879, and the Chota Nagpur Commutation Act, 1897.

"This Council will probably remember that in 1903 an Act was passed to amend both the Acts I have mentioned, and it may be asked why is it necessary after so short an interval of time to introduce a Bill for the same

[*Mr. Slacke.*]

"For the information of those Hon'ble Members who were not present when the Bill that resulted in the amending Act of 1903 was discussed, I would state that, in order to ascertain, and as far as possible to remedy, the grievances which had led the Mundaries in Chota Nagpur to revolt so often, Government decided to undertake a survey and record-of-rights of the district of Ranchi.

"These operations are now in progress, and it was mainly in consequence of certain facts which the Settlement Officer, Mr. Lister, brought forward that the amending Act of 1903 owed its origin. At the time that Act was passed, it was recognized that, when the Settlement Officer was in possession of the requisite facts, Act I of 1879 and its amending Acts would have to be repealed, and its place taken by a general consolidating Act.

"The time has not yet arrived when this can be carried out. But in September, 1904, Your Honour ordered Mr. Lister and myself to prepare a joint note dealing with the grievances which the Mundaries experienced according to their own views. To that note is chiefly due the inception of this Bill, which I now desire to introduce into Council. It showed the existence of certain grievances, the remedy for which could not be postponed until Government was in a position to deal with the Act as a whole, and consequently it was determined to prevent as soon as practicable the continuation of these grievances, and for that purpose this Bill has been drafted.

"With these remarks, Sir, I would ask for leave to introduce this Bill into Council."

The motion was put and agreed to.

The Hon'ble Mr. SLACKE introduced the Bill and moved that it be read in Council. In doing so, he said:—

"Should this be granted by Council, the Bill will be duly published, and time given to those interested in the measure to submit to Government such comments on its provisions as they may think fit to make."

The motion was put and agreed to, and Secretary accordingly read the title of the Bill.

The Council was then adjourned to Saturday, the 2nd February, 1907.

CALCUTTA;
The 24th January, 1907.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—16-1.1907—12720—300—H. K.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 2nd February, 1907, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. W. T. SPINK.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble RAJA PYARI MOHAN MUKHERJI, C.S.I.

NEW MEMBERS.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I., and the Hon'ble RAJA PYARI MOHAN MUKHERJI, C.S.I., took their seats in Council.

[*Babu Jogendra Chandra Ghose; Mr. Richardson.*]

QUESTIONS AND ANSWERS.

TECHNICAL INSTITUTIONS.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

(*a*) Has the attention of the Government been drawn to the Resolution of the last Industrial Conference asking the Government to establish a properly-equipped technical institution in each Province?

(*b*) Will the Government be pleased to say in what stage is the matter of the establishment of a Technical School on the lines of the scheme prepared by a Committee of official and non-official representatives of the Association for the Advancement of Scientific and Industrial Education of Indians under the presidency of Mr. Oldham, which was graciously promised by His Honour the Lieutenant-Governor to the people of Bengal in his last year's budget speech?

(*c*) Will the Government be pleased to consider the advisability of making provision in the next year's budget for the carrying out of the scheme?

(*d*) Will this Government be pleased to consider the advisability of asking the Supreme Government to make an adequate grant to Bengal for such an institution in the next year's budget?

The Hon'ble MR. RICHARDSON replied:—

"(*a*) The attention of the Government has only now been expressly drawn to the Resolution of the last Industrial Conference to which the Hon'ble Member refers. The Resolution, which was published in the newspapers, contemplated the preparation of a memorial addressed to the Government. No memorial has as yet been received, but the subject of Industrial Education has not been overlooked.

"(*b*) As regards what His Honour the President said in winding up the Budget Debate last year, the Hon'ble Member is perhaps aware that this Province possesses a most excellent and in some respects well-equipped technical institution in the Civil Engineering College now located at Sibpur. The Committee over which Mr. Oldham presided gave up all idea of establishing a new technical institution of a general nature, the cost of which would be prohibitive, but they recommended the development of the Engineering College by the addition to it of departments dealing with various branches of technical education. This policy has been adopted by the Government and will be carried out as funds permit. Thus an artisan class in motor-driving has been or is about to be opened, and a scheme for the opening of a department of industrial chemistry and chemical technology is now under consideration. His Honour has long contemplated the removal of the Engineering College from Sibpur to a more healthy situation, and proposals have been framed to carry out this object. If these proposals receive the sanction of the higher authorities, the opportunity will be taken to contrive and design the new College and to establish it upon as broad a basis as possible, so that it will meet existing requirements in accordance with modern standards in respect both of its buildings and of the instruction imparted, and will be capable of expansion in the future to meet future needs as they arise.

"(*c*) Endeavour will be made to provide the funds required to give effect to the policy which I have indicated.

"(*d*) Inasmuch as it is not proposed to create a new institution independent of the Engineering College, the question of providing funds for such an institution does not arise. I may recall to the Hon'ble Member's recollection that the Government of India are giving financial assistance to this Government in connection with the Weaving School at Serampore."

[*Babu Jogendra Chandra Ghose; Mr. McIntosh; Babu Radha Charan Pal.*]

MANUFACTURE OF SALT.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

(*a*) Will the Government be pleased to consider the advisability of publishing a statement showing the causes that led to the disappearance of the manufacture of salt in these provinces and to take steps to revive the industry so that the people of the sea-coasts of Bengal and Orissa may be able successfully to compete with Liverpool, Hamburg and Aden, from which places salt is now mostly imported?

(*b*) Is the Government aware that salt is allowed to be made in the district of Akyab in British Burma under conditions which make the price of salt very much cheaper there than in the adjoining districts of British India? Will the Government be pleased to inquire into the matter and introduce the Akyab system in Bengal?

(*c*) Having regard to the fact that it is admitted on all hands to be inequitable not to allow the poor raiyats of the sea-coasts of these Provinces to make salt for their own consumption, will the Government be graciously pleased to consider the advisability of making a rule that in cases of small manufacture of salt by raiyats for their own consumption the Magistrate should not order criminal prosecution?

The Hon'ble MR. MCINTOSH replied:—

"Salt was formerly manufactured on the sea-board of this Province both under a system of Government monopoly and under a system of licenses. Manufacture gradually ceased and was ultimately prohibited, chiefly on account of the competition of Madras salt which is made under more favourable circumstances and also on account of the competition of salt imported from other countries.

"After careful consideration in 1902 the revival of the industry in this Province was held to be impracticable. Circumstances remain the same and Government does not propose to take any steps.

"The Government is aware that manufacture of salt in Burma has not generally been controlled as in India; but it is understood that manufacture in that Province is now being restricted and concentrated.

"It is not practicable to allow manufacture of salt for domestic consumption because smuggling would certainly be practised and large preventive establishments would be required. Magistrates are enjoined to exercise discretion in prosecution of poor persons for first offences."

LANDING-STAGES ON THE RIVER HOOGHLY.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Has the attention of the Government been drawn to the correspondence on the Hooghly Landing Ghâts, which appeared in the Englishman newspaper of the 20th December, 1906?

(*b*) Is the Government aware of the great inconvenience caused to the public by the blocking of ferry ghâts on the Calcutta side of the river?

(*c*) Will the Government kindly inquire whether any landing-stage on either side of the river is to be exclusively reserved for ferry boats, or whether the same landing-stage is intended to accommodate both the proposed ferry steamers of the Port Commissioners and ferry boats?

(*d*) In the latter case does not the Government think it will cause great inconvenience to *dinghi* passengers, who will have to wait till the steamer has left the landing-stage?

(*e*) Does not the Government think it will meet public requirements if separate landing-stages are provided for ferry boats and ferry steamers, and will the Government be pleased to ensure the safety and convenience of passengers by ferry boats by moving the Port Commissioners to take measures for the maintenance and construction, where necessary, of suitable landings on either side of the river free from all obstructions?

[*Mr. Inglis; Babu Radha Charan Pal; Mr. Carlyle.*]

The Hon'ble Mr. INGLIS replied:—

"The Lieutenant-Governor has seen a letter which appeared in the Englishman newspaper on the 20th December, 1906.

"The Port Commissioners are, however, taking steps to minimise the inconvenience.

"It is the case that some inconvenience has been caused to the public by the extension of the jetties.

"The Commissioners are preparing landing-stages, in connection with their projected Steamer Ferry Service, which will be available for *dinghis* also. When these landing-stages are ready the public will be better served than has been the case in the past. It does not appear necessary at present to require the provision of additional landing-stages for the use of *dinghis* only."

"CORNER" IN RICE IN CALCUTTA.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Has the attention of the Government been drawn to the paragraph published in the *Bengalee* of the 15th instant last, which states that a "rumour is current all over the town that certain European mercantile firms in Calcutta are forming a 'corner' in rice in order to sell it to the people of Bengal at exhorbitant prices", and to the fact that, in spite of the fresh outturn of crop, the price of rice has again risen in Calcutta?

(*b*) Considering that the publication of this rumour has alarmed the public, will the Government be pleased to state whether there is any truth in this rumour?

The Hon'ble MR. CARLYLE replied:—

"Government has made careful inquiries regarding the rumour referred to. There is no truth in the rumour. It does not appear to be practicable to form a corner in rice in Calcutta, and there is no reason to believe that any firms have endeavoured to do so."

CASE OF SACHINDRA KUMAR BOSE.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Has the attention of the Government been drawn to the paragraph headed "A shocking tragedy," published in the *Bengalee* of the 16th instant last, which relates the death, under tragic and suspicious circumstances, of a young Hindu lad of respectable family, named Sachindra Kumar Bose?

(*b*) Will the Government kindly publish the police inquiry in regard to this case up till now?

The Hon'ble MR. CARLYLE replied:—

"The death of Sachindra Kumar Bose is still under investigation. The police inquiry, so far as it has proceeded, furnishes no ground for the belief that his death was due to foul play. It would not serve any useful purpose to publish an incomplete police inquiry."

COURT OF WARDS AND THE LATE RAJA ASHUTOSH NATH RAY, OF COSSIMBAZAR.

The Hon'ble BABU RADHA CHARAN PAL asked:—

Will the Government be pleased to state whether on account of the partition of Bengal the estate of the late Raja Ashutosh Nath Ray of Cossimbazar is to be managed by two Courts' of Wards, one at Calcutta and the other at Dacca?

[*Mr. Carlyle; Mr. Slacke.*]

The Hon'ble MR. CARLYLE replied:—

"The Court of Wards of both Provinces have taken over charge of the properties of the late Raja Ashutosh Nath Ray of Cossimbazar which lie within their respective jurisdictions. The fact of partition does not necessitate separate management; but it is very likely that this will be found more convenient The question of management is still under the consideration of the Boards of both Provinces, and will be settled solely in view of the interests of the estate."

THE CHOTA NAGPUR TENANCY (AMENDMENT) BILL, 1907.

The Hon'ble MR. SLACKE moved that the Bill further to amend the Chota Nagpur Landlord and Tenant Procedure Act and the Chota Nagpur Commutation Act, 1897, be referred to a Select Committee consisting of the Hon'ble Mr. McIntosh, the Hon'ble Mr. Gordon, the Hon'ble Babu Jogendra Nath Mukherjee and the Mover.

The motion was put and agreed to.

THE BENGAL TENANCY (AMENDMENT) BILL, 1906.

The Hon'ble MR. CARLYLE said:—

"I have to propose that the Hon'ble Raja Ban Behari Kapur be re-nominated as a Member of the Select Committee on the Bill to amend the Bengal Tenancy Act, 1885, and I also have to propose that the following Hon'ble Members of the Council be added to the Select Committee: the Hon'ble Raja Pyari Mohan Mukharji, the Hon'ble Mr. Allen and the Hon'ble Babu Jogendra Nath Mukherjee. I do not propose to re-nominate the Nawab Bahadur of Murshidabad as he has asked to be excused from attending the Select Committee under circumstances which the Council will appreciate."

The motion was put and agreed to.

The Council was then adjourned to a date to be publicly notified hereafter

CALCUTTA;
The 12th February, 1907.

L. C. ADAMI.
Offg. Secretary to the Bengal Council

B. S. Press—4-2-1907—12797—950—G. O. S.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 9th March, 1907, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU JOGENDRA NATH MUKHARJI, M.A., B.L.

The Hon'ble MR. W. T. SPINK.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DOWLA AMIR-UL-OMRAH NAWAB ASEF KUDR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABUT JUNG, NAWAB BAHADUR of Murshidabad.

The Hon'ble RAJA BAN BIHARI KAPUR, C.S.I.

The Hon'ble RAJA PEARY MOHAN MUKHARJI, C.S.I.

NEW MEMBERS.

The Hon'ble MR. GUPTA, the Hon'ble MR. INGLIS and the Hon'ble IHTISHAM-UL-MULK RAIS-UD-DOWLA AMIR-UL-OMRAH NAWAB ASEF KUDR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABUT JUNG, NAWAB BAHADUR of Murshidabad, took their seats in Council.

[*Babu Jogendra Chandra Ghose; Mr. Richardson.*]

QUESTIONS AND ANSWERS.

SCHOOLS FOR INDIAN GIRLS.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked :—

(*a*) Is the Government aware that it is possible to teach orthodox Hindu and Muhammadan girls with male teachers without objection up to the middle vernacular standard before they are married under the prevailing custom ?

(*b*) Will the Government be pleased to state how many schools for orthodox Hindu and Muhammadan girls there are in this Province teaching up to the middle vernacular standard ?

(*c*) When some years ago an Hon'ble Member of Council brought it to the notice of the Government that female education beyond the primary stage is practically unknown in this country, the Government was pleased to promise the establishment of girls' schools teaching a higher standard. Will the Government be pleased to state what steps have been taken to give effect to such intention ?

The Hon'ble MR. RICHARDSON replied :—

"(*a*) If the Hon'ble Member means that it is feasible to employ male teachers to teach orthodox Hindu and Muhammadan girls up to and inclusive of the middle vernacular standard, the Government is certainly not aware of the fact. The standard in question is prescribed for children of the ages of twelve and thirteen years.

"(*b*) A statement is laid on the table showing the number of middle vernacular, middle English and High English Institutions for Indian girls. It is impossible to say at short notice how many of these institutions are attended by orthodox Hindu and Muhammadan girls.

"(*c*) The answer given in this Council to which the Hon'ble Member refers is no doubt that which appears in the Proceedings of this Council for the 9th April, 1902. It was stated that inquiries were being made in the districts which were most likely to favour female education with a view to the expansion of Girls' Schools, and it was added that districts and towns in which local efforts and local subscriptions were forthcoming in aid of Girls' schools might count on the sympathy and support of Government. The subject has since continued to receive attention. The want of properly qualified female teachers is an impediment in the way of progress, and, as the Hon'ble Member is probably aware, efforts are now being made to supply that want."

STATEMENT REFERRED TO IN THE ABOVE ANSWER.

Institutions and Expenditure for Indian Girls.

Class of Institution.	Managed by Government.		Managed by District or Municipal Boards.		Maintained by Native States.		Aided by Government or by District or Municipal Boards.		Unaided.		Total.	
	Institutions.	Expenditure.	Institutions.	Expenditure.	Institutions.	Expenditure.	Institutions.	Expenditure.	Institutions.	Expenditure.	Institutions.	Expenditure.
		Rs.						Rs.		Rs.		Rs.
Middle Vernacular ...	...	...	...	...	...	...	9	5,653	3	2,541	12	8,194
,, English ...	...	...	...	...	...	...	13	45,077	...	...	13	45,077
High English ...	1	20,641	...	...	...	...	5	38,491	...	...	6	59,132

[*Babu Jogendra Chandra Ghose; Mr. Richardson.*]

FEMALE EDUCATION.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to consider the advisability of showing the expenditure for female education under a separate heading in the budget?

The Hon'ble MR. RICHARDSON replied:—

"The suggestion will be considered."

PRIMARY EDUCATION.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state whether there will be any substantial increase in the expenditure for primary education in the next budget, for starting a larger number of primary schools and for teaching a larger number of pupils in such schools than last year?

The Hon'ble MR. RICHARDSON replied:—

"There is no specific provision in the budget for the purpose mentioned by the Hon'ble Member. There is provision for increased expenditure in connection with primary education. It is hoped that the normal rate of growth in the number of primary schools and pupils attending such schools will be maintained, and that the scheme for the better training of *gurus* will lead to an improvement in the quality of the education imparted. As the Hon'ble Member is aware, a proposal to abolish fees in primary schools is under consideration."

TECHNICAL COLLEGE.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

(*a*) Has the attention of the Government been drawn to the adverse criticisms in the Indian papers about the proposed Technical College being for the next year meant principally for teaching motor-car driving?

(*b*) Will the Government be pleased to state when it intends to start a proper Technical College as was promised last year?

(*c*) Will the Government be pleased to consider whether it is not possible to start proper mechanical engineering, electrical engineering, mining engineering and industrial chemistry classes teaching up to the standard of European technical colleges in connection with the Sibpur Engineering College within the next two or three years, as was recommended by the Committee appointed for framing a scheme for a Technical College?

The Hon'ble MR. RICHARDSON replied:—

"(*a*) The first of the Hon'ble Member's questions no doubt refers to the answer I gave at the last meeting of this Council. The interpretation placed upon that answer is somewhat unfair. The scheme for teaching motor-car driving was referred to because it has been sanctioned and because, so far as it goes, it is a step in advance. I also referred, however, to a scheme for imparting instruction in Industrial Chemistry and Chemical Technology which has not yet arrived at the stage of being a sanctioned scheme, but is in a fair way towards that stage.

"(*b*) As I explained at the last meeting of the Council it is not proposed to open a Technical College independent of the Civil Engineering College. It is proposed to develop and expand the existing College in accordance with the needs of the situation. There is necessary delay in carrying out improvements and additions, which are recognized as very urgent, owing to the fact that they cannot be carried out until the important question of the site of the College has been settled. It is earnestly hoped that this will now be settled at an early date.

"(c) I have already referred to the scheme for imparting instruction in Industrial Chemistry. As regards Mechanical, Electrical and Mining Engineering, the Principal of the Civil Engineering College states that a re-organization of both the Apprentice and Engineering Departments of the College is under consideration with a view to the introduction of new or more specialized courses.

"Instruction, it may be added, is now given in Civil and Mechanical and Electrical Engineering, and in the Apprentice Department a two-year course in Mining Engineering was introduced last year and is now in full working order.

"The recommendations of the Education Department on the whole subject will be awaited, and I cannot at present commit the Government to specific arrangements, but I may with confidence express the hope that in two or three years' time substantial progress will have been made in the direction the Hon'ble Member is understood to contemplate."

THE BENGAL TENANCY (AMENDMENT) BILL, 1906.

The Hon'ble MR. CARLYLE presented the Report of the Select Committee on the Bill to amend and supplement the Bengal Tenancy Act, 1885 (VIII of 1885). He said:—

"I hope the Council will be able to take up the consideration of the Bill, as now amended, on the 2nd April. I would draw the special attention of Hon'ble Members to paragraph 3 of the Report of the Committee."

THE BENGAL LOCAL SELF-GOVERNMENT (AMENDMENT) BILL, 1906.

The Hon'ble MR. MCINTOSH presented the Report of the Select Committee on the Bill to amend the Bengal Local Self-Government Act of 1885.

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"I beg leave to explain one of the points with reference to the Report of the Select Committee on the Bengal Local Self-Government Act (Amendment) Bill. The first question that I would beg leave to explain is the one relating to the use to which the Road Cess Funds should be put, and I think there exists some misapprehension on the point. By my signing the Report I never meant that the larger question that the road cess should be applied to the purposes for which it was originally meant should not be raised at all. What I meant to submit was that the restricted form in which the question came up before the Select Committee could not be considered at all.

"When I endorsed my view with reference to the appropriation of District Funds to the question of secondary education, I had never before my mind the idea that road cess could be applied to such a purpose. The fund as it exists at present is composed not only of the road cess but of the profits derived from ferries as well as pounds, and occasionally all this is supplemented by grants from Government, so that when it was proposed that power should be given to the District Board to apply its funds to purposes of secondary education, it was at least never intended by me that the Road Cess Fund should be applied to such a purpose, nor that in times of famine the District Fund should be applied to education purposes, and that the money should come from the Road Cess Fund, strictly speaking. Of course as the question stood before the Select Committee that was the only course left open.

[*Babu Jogendra Nath Mukharji; Mr. Slacke.*]

"In times of famine there may be Districts where the money could be applied with advantage to the making or repairing of roads, and in such Districts I think it would be very unwise to apply the District Funds to a purpose like education if that could be done advantageously, and it was never meant that the Road Cess Fund should be applied to such a purpose. Similarly in the case of secondary education this should be the case. Therefore, what I beg to add is that the larger question can still be considered by this Council, and by the Report of the Select Committee it was never meant that the District Road Cess Fund should be applied for purposes other than those for which it was originally raised.

"These are the remarks I beg to lay before the Council to explain my position with reference to the Report of the Select Committee."

THE CHOTA NAGPUR TENANCY (AMENDMENT) BILL, 1907.

The Hon'ble MR. SLACKE moved that the Hon'ble Member who may be appointed for the Orissa and Chota Nagpur Divisions be added to the Select Committee on the Bill further to amend the Chota Nagpur Landlord and Tenant Procedure Act and the Chota Nagpur Commutation Act, 1897.

The motion was put and agreed to.

The Council was then adjourned to Saturday, the 23rd March, 1907.

CALCUTTA;
The 21st March, 1907.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—20-3-1907—12881—300—C. O. G.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 23rd March, 1907, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU JOGENDRA NATH MUKHARJI, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. W. T. SPINK.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DOWLA AMIR-UL-OMRAH NAWAB ASEF KUDR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABUT JUNG, NAWAB BAHADUR of Murshidabad.

The Hon'ble RAJA BAN BIHARI KAPUR, C.S.I.

The Hon'ble RAJA PEARY MOHAN MUKHARJI, C.S.I.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

NEW MEMBER.

The Hon'ble BABU KALI PADA GHOSH took his seat in Council.

[*Babu Radha Charan Pal; Mr. Carlyle.*]

QUESTIONS AND ANSWERS.

PRICE OF PADDY AND RICE.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) What is the report received by the Government about the outturn of the last winter paddy crop in Bengal as compared with the corresponding period of the last three years?

(*b*) Has the attention of the Government been drawn to the excessively high and exorbitant price of paddy and rice in Bengal in comparison with the price which prevailed at this time last year and which itself was considered as a scarcity rate?

(*c*) If so, does not the Government think it necessary to institute inquiries as to the cause of this unprecedented rise of the staple food of the people of Bengal?

(*d*) Having regard to the fact that the price of rice reaches its maximum during the period commencing from the end of the rains to the next harvest, does not the Government think that the situation after the next rains will be most alarming, if there is no tendency to a fall in the present excessively high rate; if so, what measures does the Government contemplate to prevent such a catastrophe?

(*e*) Has the excessively high rate of paddy and rice any connection with the export of rice and will the Government kindly publish figures showing the export of rice during the last three years?

The Hon'ble MR. CARLYLE replied:—

"(*a*) A statement showing the estimated outturn of the last winter paddy crop in this Province, as compared with the estimated outturn in the three preceding years, is laid on the table.

"(*b*) and (*c*) The attention of Government has been given to the marked rise of prices in Bengal; some attempt has been made to ascertain the causes of that rise, but such an inquiry to be successful must necessarily take into consideration conditions affecting other Provinces and other commodities. This Government will make further inquiries on the subject.

"(*d*) The Government is of opinion that there is no reason for alarm if the next monsoon is a seasonable one. Although Government cannot account fully for the present price of rice, there can be little doubt that two causes are in operation which must tend to raise the price of rice. One is the magnitude of the sums paid for the last jute crop with the resulting profit reaped by the cultivators and the consequent increase in the purchasing and consuming power of a large portion of the population in parts of Eastern Bengal and Assam and in some portions of this Province. Another factor is almost certainly that people are, in many parts of this Province and the Province of Eastern Bengal and Assam, replenishing the reserves for their own consumption and are in consequence keeping back a considerable portion of the harvest from the market.

"(*e*) A statement of the exports of rice from Bengal by sea to foreign countries in the ten months, April, 1906, to January, 1907, and in the corresponding periods for the three previous years is laid on the table.

"In answering this question it has been assumed that the Hon'ble Member refers to exports out of India. As will be seen from the figures supplied, there appears to be no connexion between the present high prices and the exports from Bengal to foreign countries."

[*Babu Radha Charan Pal.*]

Statement referred to in Question (a) overleaf.

Year.	Estimated area under cultivation in acres.	Percentage of outturn.	Outturn in cwt.	Remarks.
1903	18,294,800	90	181,454,500	Figures for 1903 do not include estimates for Sambalpur, figures for the district not being available.
1904	21,097,500	86	199,952,600	
1905	20,605,500	88	199,831,300	
1906	20,033,600	78	172,207,200	

Statement referred to in Question (e) overleaf.

		Cwt.	Rs.
1903-04	...	4,968,464	2,72,49,898
1904-05	...	5,825,903	3,09,30,522
1905-06	...	6,958,009	3,81,57,800
	...		
Average	...	5,917,460	3,21,12,740
	...		
1906-07	..	?,603,999	2,42,82,877

CASE OF KISHORI MOHAN MITTER AND OTHERS.

The Hon'ble Babu Radha Charan Pal, in the absence of the Hon'ble Babu Bhupendra Nath Basu, asked:—

(*a*) Has the attention of Government been drawn to the proceedings of the criminal case in Bhagalpur, Emperor *vs.* Kishori Mohan Mitter and two others, in which the Station Master of the Sultangunj Railway Station, East Indian Railway, and his assistant and his son were prosecuted under sections 448 and 109, Indian Penal Code, for bringing some benches from the local District Board school, then closed for the *Dusahara* vacation at the time, and using them for the accommodation of the audience in an amateur theatrical performance which was attended, amongst others, by some members of the school committee and a number of students and *ex*-students of the school and some local police officers, after which the benches were returned and replaced in good order?

(*b*) Is it not a fact that the Station Master's son addressed the audience on the Swadeshi question at the close of the theatrical performance and that this circumstance came to the notice of Mr. Lyall, District Magistrate of Bhagalpur, before he started the prosecution in which he himself became the first informant?

Is it usual for a District Magistrate to be the first informant in cases investigated and tried by his subordinates in which he is not personally concerned? If not, will the Government be pleased to inquire and state why the usual rule was departed from in this instance?

(*c*) Has the attention of Government been drawn to the fact that two of the accused, *viz.*, the Assistant Station Master and the Station Master's son were convicted by Maulvi Abdul Malik, Deputy Magistrate of Bhagalpur, under sections 448 and 109, Indian Penal Code, and sentenced to pay a fine of Rs. 100 each, in default to undergo rigorous imprisonment for what the Deputy Magistrate described in his judgment as a technical offence, and in regard to which the

[*Babu Radha Charan Pal; Mr. Carlyle.*]

Deputy Magistrate was not quite confident whether it constituted an offence under the Indian Penal Code, and observed that if he had erred in his view of the law he would be corrected by the higher tribunals, and has the attention of the Government been drawn to the fact that the Sessions Judge of Bhagalpur has set aside the conviction and sentence on the ground that the facts alleged did not constitute an offence?

(*d*) Does not the Government consider that under the circumstances found by the Deputy Magistrate himself, and having regard to the monthly salary of the Station Master and the Assistant Station Master, the sentence was wholly out of proportion to the offence alleged?

(*e*) In view of the finding of the Sessions Judge of Bhagalpur, does the Government propose to give any compensation to the accused persons who were unnecessarily prosecuted?

(*f*) Having regard to the nature of the case as disclosed in the judgments of the Deputy Magistrate and the Sessions Judge, was it necessary to appoint the Public Prosecutor to conduct this case throughout in both the Courts? Will the Government be pleased to state the amount of the fees paid to the Public Prosecutor in this case and out of what fund it was paid? Will the Government be pleased to consider whether the appointment of the Public Prosecutor in original criminal cases should not be made subject to the previous sanction of the Legal Remembrancer?

(*g*) Has the attention of the Government been drawn to the action of Mr. Lyall in appointing two persons, *viz.*, Babu Nirsu Lall and Babu Makundi Chaudhuri, who were helping the defence during the Police investigation, as special constables under section 17 of Act V of 1861, one of whom was afterwards exempted on his undertaking to leave the place, and the other was directed to continue as special constable till the termination of the said criminal case?

Does the Government consider that the local Police Force was unable to prevent disturbances of the peace and that the temporary addition of Babu Makundi Lal was necessary to strengthen the police force to maintain the peace? And if special constables were regarded as necessary, how was the necessity met by one of the gentlemen enrolled as special constable being exempted on his undertaking to leave the place?

(*h*) Does the Government consider the appointment of a person taking an interest in a pending case as a special constable till the termination of that case legal and within the purview of section 17 of Act V of 1861, and having regard to the fact that the District Magistrate was himself the prosecutor in this case, does the Government consider that there was a proper and judicious use of the power vested in him under that section in the present instance?

(*i*) Will the Government be pleased to state the number of days that Babu Makundi Chaudhuri had to serve as a special constable and what duties he had to perform during this time?

Should the Government be of opinion that there was no sufficient justification for the appointment of Babu Makundi Chaudhuri as a special constable, will the Government be pleased to state whether it is proposed to give him any compensation for his trouble and harassment and the curtailment of his personal liberty during the period of his service?

The Hon'ble MR. CARLYLE replied:—

"The Lieutenant-Governor does not think it desirable that he should discuss in Council judicial proceedings in which the District Magistrate appears to have acted within his powers.

"In the Lieutenant-Governor's opinion there is no occasion for giving compensation to the accused persons who were acquitted by the Sessions Judge of Bhagalpur.

[*Mr. Carlyle; Babu Bhupendra Nath Basu.*]

"The appointment of Public Prosecutor is a matter within the discretion of the District Officers; and the Lieutenant-Governor does not consider it desirable that any restriction should be placed on the discretion now given to District Officers.

"With reference to the appointment of special constables, it is a matter in which local officers must neces-arily be allowed to act on their own discretion.

"As regards Babu Makundi Chaudhuri, he had to serve for 58 days as special constable. His sole duty was to report once a day to the Sub-Inspector of Police.

"There appears to be no reason for giving compensation to Babu Makundi Chaudhuri for the services he was required to render."

APPOINTMENT OF SPECIAL CONSTABLES.

The Hon'ble Babu Bhupendra Nath Basu said:—

Having regard to the recent misuse of the power vested in District Magistrates in regard to the appointment of special constables in several instances, will the Government be pleased to lay down certain rules for the guidance of District Officers in the exercise of their powers under section 17 of Act V of 1861?

The Hon'ble Mr. Carlyle replied:—

"The Lieutenant-Governor does not see any necessity for laying down rules for the guidance of District Officers in the exercise of their power under section 17 of Act V of 1861.

"The Lieutenant-Governor is not aware of any recent case of misuse of their powers in this Province."

CASE OF Mr. LYALL.

The Hon'ble Babu Bhupendra Nath Basu asked:—

(*a*) Has the attention of the Government been drawn to the report published in the *Amrita Bazar Patrika* in its issue of the 28th January last and other papers to the effect that Mr. Lyall, the District Magistrate of Bhagalpur, exercises his official influence upon the zamindars and the local gentry in order to prevent them from joining in political movements?

(*b*) Is it a fact that he sent for Babu Sri Mohan Thakur, Zamindar, and asked him to resign his Presidentship of the Reception Committee formed at Bhagalpur, to receive Babu Surendra Nath Bannerjee, Mr. J. Chaudhuri and others in August last?

(*c*) Is it a fact that he persuaded Babu Surendra Mohan Sinha, Zamindar, Babu Surya Prosad, Pleader; Babu Basanta Lal Sahu, Merchant, and Babu Jadoo Prosad Sahu, Merchant and Zamindar, not to take part in political movements?

(*d*) Has the attention of Government been drawn to the specific instances in which Mr. Lyall sought to discourage the Swadeshi movement at Bhagalpur mentioned in the *Bengalee* of the 2nd February last?

(*e*) If the Government does not approve of the action of Mr. Lyall in the matters mentioned above as proper, will the Government be pleased to take steps to prevent its recurrence?

[*Mr. Carlyle; Babu Bhupendra Nath Basu.*]

The Hon'ble MR. CARLYLE replied: —

"The Government does not think it necessary to make any inquiry regarding these statements. The District Magistrate ought to take every opportunity of talking freely and confidentially with Indian gentlemen about many things; and it would be mischievous to do anything which would interfere with the frank interchange of views and opinions. The Lieutenant-Governor does not therefore think that any explanation should be called for on these newspaper reports.

"If the gentlemen named, who are quite competent to protect themselves, have any objection to anything done by the Collector, they can bring their objection to the notice of the Commissioner. No action will therefore be taken by the Government."

PROVINCIAL EXECUTIVE SERVICE

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

(*a*) Will the Government be pleased to lay on the table the correspondence between itself and the Government of India and the Secretary of State about "direct appointments" to the Provincial Executive Service in the higher grades, which has led to the placing of outsiders above the heads of the older members of the service?

(*b*) Will the Government be pleased to state whether any attention was paid to University qualifications in making these "direct appointments"?

(*c*) Is it a fact that one of the gentlemen so appointed is a European clerk from the Financial Commissioner's office, Punjab, and will the Government be pleased to state what special considerations moved the Government in making this appointment in the seventh grade, giving him preference over all the members in the eighth grade?

The Hon'ble MR. CARLYLE replied:—

"(*a*) It is not in accordance with practice to lay on the table copies of such correspondence; and Government regrets it cannot do so on the present occasion. It is somewhat misleading to speak as though officers had been superseded and deprived of reasonable expectation of promotion. A number of new appointments were created; and some of these were given to outsiders, both to secure better men than would otherwise have been available, and also to prevent a block in promotion.

"(*b*) In making direct appointments to the higher grades, University qualifications were not considered as essential. The gentlemen selected had generally proved their fitness in other ways, though five officers so appointed were graduates.

"(*c*) One of the gentlemen so appointed held a substantive *pro tempore* appointment in the Financial Commissioner's office, Punjab. His substantive appointment was in the Foreign Department of the Government of India. He was placed in the seventh grade by the then officiating Lieutenant-Governor after full consideration of his case.

"The attention of the Hon'ble Member is drawn to my answer of the 12th January to a question by the Hon'ble Babu Jogendra Chandra Ghose relating to vacancies caused by the increase in the cadre."

[*Babu Bhupendra Nath Basu; Mr. Carlyle; Babu Jogendra Nath Mukharji; Mr. Richardson.*]

EUROPEAN MEMBERS OF THE PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(*a*) Has the attention of Government been drawn to an article in the *Amrita Bazar Patrika* of the 11th February in which it states that two European members of the Provincial Executive Service have been promoted over the heads of 65 and 97 officers, respectively, and that another European officer, who was third in the fourth grade, and a Bengali officer, who was first in that grade, were both temporarily promoted to the third grade in October last, and while the Bengali officer has been confirmed in the third grade, the European officer has been promoted over his head to the second grade?

(*b*) Are these statements true? And if so, and if the supersession was on the ground of merit, will the Government be pleased to explain how in the first case the qualifications of 65 and 97 officers, respectively, were scrutinized as against the superseding officers?

(*c*) Is it true that in the second case, the gentleman who has superseded the Indian officer is "utterly deaf and uses a ear trumpet," as stated in the *Patrika*?

The Hon'ble MR. CARLYLE replied:—

"The statements made in the first paragraph of the question are correct.

"In the case of one of the officers to whom special promotion was given, consideration was taken of the fact that he had for many years suffered serious loss through being obliged at an early period of his service to retire from Government service owing to leave being refused, and he has now been replaced in a position somewhat lower than he would have reached in the ordinary course had he not been obliged to leave Government service temporarily. In the case of all the other officers, promotion was given on the ground of very exceptional merit and the claims of all officers senior to them were considered. An opportunity for giving such promotion was afforded by the increase of the cadre of the Provincial Service.

"The officer referred to in clause (*c*) of the question is deaf, but notwithstanding this affliction his work is of exceptional merit."

DIAMOND JUBILEE COLLEGE OF MONGHYR.

The Hon'ble BABU JOGENDRA NATH MUKHARJI asked:—

(*a*) Will the Government be pleased to state what grants have been made from the Local Funds, *viz.*, the District Board and the Municipality, to the Diamond Jubilee College of Monghyr?

(*b*) Will the Government be pleased to inquire and state what has been the total number of students on the rolls of that College during the current and the last financial years?

(*c*) Will the Government be pleased to state if there are at present any rules which regulate grants by local bodies to secondary or college education; if so, what they are and the conditions upon which such grants can be made?

The Hon'ble MR. RICHARDSON replied:—

"(*a*) It has been ascertained that the Diamond Jubilee College at Monghyr has received during the financial years 1905-06 and 1906-07 a total of Rs. 2,100 from the District Board, and a total of Rs. 1,900 from the Municipality, the grants during the two years aggregating Rs. 4,000.

"(*b*) The total number of students on the rolls at the beginning of the current financial year was 32 and at the beginning of the previous financial year 26.

"(*c*) Municipalities are required to spend 3·2 *per cent.* of their income on the encouragement of primary education before they are at liberty to aid secondary schools.

"District Boards are required to spend on primary education not less than the amount given by Government from time to time for such education, or than the amount expended on such education in the year 1901-02, together with the amount of any additional grant made to them for the purpose in that year or subsequently, whichever sum is the greater.

"I am not aware that there are any other administrative rules on the subject."

THE CHOTA NAGPUR TENANCY (AMENDMENT) BILL, 1907.

The Hon'ble MR. SLACKE moved that the presentation of the Report of the Select Committee on the Bill further to amend the Chota Nagpur Landlord and Tenant Procedure Act and the Chota Nagpur Commutation Act, 1897, be deferred. He said:—

"This will enable Government to consider certain further proposals that have been made and to consult locally certain selected persons from among those interested in the Bill."

The Hon'ble BABU KALI PADA GHOSH said:—"The motion made by the Hon'ble Mr. Slacke has my cordial support, and it will, I am sure, be hailed by the people of Chota Nagpur with a sense of relief. The Bill, as it now stands, contains certain provisions which have evoked a great measure of discontent, and the people have complained that they were not given such time and opportunity to consider them as the importance of the measure demanded.

"During the discussion of the Bill in the Select Committee certain new provisions were proposed to be inserted, and I was permitted to point out to the Hon'ble Member in charge of the Bill that to insert such provisions without giving publicity to them and without allowing the people proper opportunity to consider them would involve an additional injustice. I am gratified to find that the Hon'ble Member has thought it proper to drop the Bill for the present presumably with Your Honour's approval, so that the people may have further opportunity to consider its provisions. We are grateful to Your Honour for the decision Your Honour has arrived at in this matter and for not allowing the measure to be rushed through in the face of the people's protest.

"We hope that a thorough and searching inquiry will be made as to the existence of the so-called customs which the Bill proposes to codify, and that care will be taken to safeguard the interests of all classes of people. I admit that the circumstances of Chota Nagpur are, to a certain extent, different from those of Bengal Proper, but certainly they are not so widely different as to necessitate a measure calculated to destroy individual rights based on fundamental principles of law.

"Clause 9 of the existing Bill contains provisions of such an objectionable character that they have created an alarm in the minds of a large section of the people in the district of Ranchi, where the provisions in question are sought to be made exclusively applicable, and it would afford the people much gratification to find this clause altogether deleted from the Bill.

[*Babu Kali Pada Ghosh; Babu Jogendra Nath Mukharji; Mr. McIntosh.*]

"We venture to hope that in the further stages the Bill will pass through, sufficient and due consideration will be shown by Your Honour's Government to the people's representation".

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"As a Member of the Select Committee appointed to consider the Chota Nagpur Landlord and Tenant Procedure Bill and the Chota Nagpur Commutation Bill, I also beg to support the Hon'ble Mr. Slacke in his motion. I endorse every word that has fallen from the Hon'ble Babu Kali Pada Ghosh I will only add that as Your Honour is going to make a thorough and sifting inquiry into the question of a custom, I would venture to describe the legal elements of a custom, *namely*, that it must be ancient, definite and reasonable. These conditions constituting a custom must not be overlooked, and I may further submit that these customs, as I understand them being in derogation of the ordinary law of the country, should be strictly proved. If these points are borne in mind, a great many of the difficulties which seem to have arisen in connection with the present Bill will be got over. With these few words I venture to support the motion of the Hon'ble Mr. Slacke."

The motion was put and agreed to.

THE BENGAL FINANCIAL STATEMENT FOR 1907-08.

The Hon'ble MR. MCINTOSH laid on the table the Bengal Financial Statement for 1907-08, with explanatory notes. He said:—

"The financial statement for 1907-1908 is laid on the table with the usual appendices and accounts.

"The year 1906-1907 has been, financially, a prosperous one, and the revenue has considerably exceeded the estimates. The new financial settlement with the Government of India, which came into force at the beginning of the year, and the terms of which were explained by my predecessor, the Hon'ble Mr. Shirres, when he presented last year's Financial Statement to Council, has operated materially to our advantage. Under it we have received a larger share of the increase of revenue which has occurred over the divided heads of revenue that are expanding.

"The increase in the estimate of receipts is Rs. 10,65,000, of which Rs. 5,53,000 represent assignments under the adjusting head of Land Revenue. Of these, the most important is an assignment of Rs. 1,67,000 from Imperial Revenues, on account of the re-organization of the Provincial Service, and a special non-recurring assignment of Rs. 2,23,000 for certain expenditure incurred on account of the partition in Assam but debited to the Eastern Bengal surplus for 1905-06. The balance Rs. 5,12,000, is increase of Revenue proper. The principal increases of Revenue have occurred under Stamps, Excise, Assessed Taxes, Registration and Irrigation.

"Despite the fact that the opening balance of the year had been over-estimated by about 7½ lakhs, the total expenditure of the year is expected to exceed the original estimate by Rs. 1,77,000, and the closing balance of the year will be larger by Rs. 1,38,000 than was estimated.

"Included in this expenditure is the sum of 7 lakhs for Famine Relief which was not anticipated when the estimate was originally framed. We have been able to meet this unexpected demand, and the increased expenditure in the Jail, Police and other Departments, resulting from the high prices of food-grains, without unduly curtailing expenditure in other directions.

"In preparing our Budget for next year, we have at our disposal the opening balance of Rs. 91,14,000 (of which Rs. 50 lakhs are reserved for the Calcutta Improvement Scheme, and are not therefore immediately available), assignments

from Imperial Revenues amounting to Rs. 21,99,000, a special refund of Rs. 2,14,000, and our ordinary Revenues which it is anticipated will amount to Rs. 4,96,15,000. The total of these comes to Rs. 6,11,42,000. Included in the assignments is a further grant of 4 lakhs from Imperial Revenues for Police Reforms.

"Deducting from this total the sum of Rs. 70 lakhs which must for the present be retained as the minimum closing balance, the amount actually available for expenditure in 1907-08 is Rs. 5,41,42,000. Of this sum we propose to spend Rs. 5,36,86,000, and to carry over Rs. 4,56,000. We thus propose to reduce our accumulated balance by as much as Rs. 16,58,000, and to bring it in much closer relation to the prescribed minimum balance. The statement in paragraph 13 is a list of items of non-recurring expenditure amounting to Rs. 37,48,000, while that in paragraph 14 shows that we provide for large recurring outlay in excess of the scale of expenditure allowed for in the settlement. The reforms and improvements which it is proposed to carry out will be apparent from those lists. I shall be glad to furnish any further information regarding them which Hon'ble Members may desire. From the statement in paragraph 49 it will be seen that there is a lump provision of Rs. 4,54,000 for Primary Education and other educational schemes.

"There are two points which perhaps should be specially mentioned. Hon'ble Members will observe that there is no provision in next year's Budget for Famine expenditure, though it is known that some expenditure, which is at present estimated at about 8 lakhs, will be incurred on this account. The reason is that under the new scheme for regulating Provincial expenditure on Famine Relief, which is fully explained in the Financial Statement of the Government of India, the expenditure in Bengal in 1907-08 will be met from Imperial Revenues. The scheme is one which will operate very greatly to the advantage of the Local Government. The other point is that the estimates do not include any provision for Free Primary Education. Here again I must refer Hon'ble Members to the Financial Statement of the Government of India, where it is stated that the question has not been lost sight of, and that it is now receiving careful attention.

"The Budget will not come up for discussion till the 6th April, so as to allow Hon'ble Members ample time to examine it. I shall be greatly obliged if notice can be given to me a week before the debate of any points which it is proposed to raise, or of any information which is required, that the matter may receive full attention."

THE BENGAL FINANCIAL STATEMENT FOR 1907-1908.

PART I.—General Review.

(1) ACCOUNTS FOR 1905-1906.

IN the revised estimates of 1905-06 which were laid before the Council on the 24th March 1906, the closing balance of that year was estimated at Rs. 1,17,98,000. The actual closing balance was not known till the accounts were finally closed some months later, and it was then ascertained to be less by about 7½ lakhs. The actual receipts exceeded the estimates by Rs. 36,000, but the charges had been under-estimated by about Rs. 7,86,000. The excess of expenditure was chiefly under Jails (Rs. 1,17,000), Police (Rs. 1,90,000), Marine (Rs. 91,000), Medical (Rs. 1,29,000) and Scientific and other Minor Departments (Rs. 2,23,000).

(2) REVISED ESTIMATE FOR 1906-1907.

2. The year 1906-07 is the first year of the new Provincial Settlement which was made with the Government of India, after the redistribution of territorial jurisdictions, and came into operation from the 1st April 1906. The terms of the settlement were explained in paragraphs 10 and 11 of the last Financial statement. The settlement was based on a total provincialized expenditure of Rs. 4,74,40,000, and a total provincialized revenue of Rs. 4,67,01,000, the difference being made good by a fixed assignment of Rs. 7,39,000 from Imperial Revenues.

3. The budget estimate for 1906-07 as passed by the Government of India accepted Rs. 1,17,98,000 as the opening balance, and provided for receipts aggregating Rs. 4,92,72,000 and an expenditure of Rs. 5,20,94,000. It was thus estimated that the year would close with a balance of Rs. 89,76,000. The revised estimate now passed shows a reduced opening balance of Rs. 1,10,48,000 as explained above, and provides for a revenue of Rs. 5,03,37,000 and an expenditure of Rs. 5,22,71,000. The estimated expenditure exceeds the estimated receipts by Rs. 19,34,000, instead of by Rs. 28,22,000 as originally anticipated. This excess is met by a reduction of the accumulated balance.

4. On the receipt side the revenue is expected to show an increase of Rs. 10,65,000. Of this increase, Rs. 5,53,000 is under Land Revenue Adjustments for the following:—

	Rs.
Assignment for increase in the cadre of Deputy Magistrates sanctioned after orders had been passed on the budget ...	1,67,000
Refund of the expenditure incurred in 1905-06 on account of the partition in the new Province of Eastern Bengal and Assam outside the transferred districts	2,23,000
For temporary management of the Madaripur Bhil route .	50,000
„ Archæological works	10,000
„ European and Eurasian education	65,000
„ temporary occupation of 2 Bankshall Street by the Commerce and Industry Department	16,000
„ training and accommodation of students from Eastern Bengal and Assam at the Veterinary College, Belgachia	28,000
„ Provincialization of the Dhaka Canal	12,000
Total ...	5,71,000
Deduct—	
Contribution for pensionary charges of Calcutta Police Constables paid in the United Provinces of Agra and Oudh ...	21,000
Less contribution for transfer of the balance of the Zamindari Dâk Fund, the actual amount being Rs. 2,17,000 in place of Rs. 2,20,000 shown in the original budget ...	(—)3,000
Net deduction ...	18,000
Net increase under Adjustments ...	5,53,000

5. The increase in revenue is the net result of improvements under some heads, and of decreases under others. The improvements aggregate Rs. 8,41,000, which are expected chiefly under the following heads, namely, Rs. 50,000 under Stamps; Rs. 1,90,000 under Excise, mainly for better settlements; Rs. 95,000 under Assessed Taxes; Rs. 2,00,000 under Registration, due in part, it is feared, to the unfavourable character of the season in some localities which necessitated the execution of a larger number of bonds; and Rs. 1,48,000 under Irrigation—Major Works, due to increased demand for water. The decreases aggregate Rs. 3,29,000. The principal decreases are expected to occur under Marine (Rs. 1,02,000); and under Education (Rs. 85,000) on account of smaller sale proceeds of manufactured articles at the Sibpur Engineering College and less receipts from rent of boarding houses.

6. On the expenditure side the revised estimate shows a net increase of Rs. 1,77,000. When the original budget estimate was framed, it was not anticipated that any provision would be needed for direct expenditure on Famine Relief. The failure of crops following the inundations in Bihar and elsewhere necessitated the starting of relief operations; and a sum of 7 lakhs is now provided on this account. The high prices of food-grains have led to an increase in dietary charges under Jails; to this cause is also due increased expenditure in the Police and other Departments, owing to the grant of grain compensation allowance to all whole-time servants of Government on pay of Rs. 30 and less. There are also considerable increases under General Administration (Rs. 1,01,000) chiefly on account of revision of the chaukidari panchayets, leave allowances, increased grant for tour charges, and salary and establishment of the Controller of Office Systems; under Police (Rs. 5,13,000) due chiefly to the reorganization of the Department; under Marine (Rs. 1,31,000) chiefly for earnings and allowances of Pilots and repairs of vessels; under Stationery and Printing (Rs 1,02,000) partly in the Secretariat Press, and partly under stationery supplied from the Central Stores; under Irrigation—Major Works, Working Expenses (Rs. 85,000) chiefly for special repairs to works damaged by floods; and under Contributions from Provincial to Local (Rs. 4,12,000) for the adjustment of the charges for the Magrahat Drainage in the district of the 24-Parganas which will be taken in the Local Account. Against these increases there are savings of Rs. 3,01,000 under Land Revenue, due to the non-utilization of the full grant for additional Deputy Magistrates and their establishment and of the grant for increase in the pay of Ministerial establishments; of Rs. 42,000 under Registration for savings under Rural Sub-Registrars; of Rs. 2,01,000 under Education due largely to transfers to the Public Works Department and District Boards for educational buildings; of Rs. 1,06,000 under Scientific and other Minor Departments; of Rs. 63,000 under Superannuation; of Rs. 8,35,000 under Civil Works in charge of Civil Officers owing chiefly to the non-utilization of a number of special grants, as the schemes for which provision was made were not sufficiently matured to admit of the expenditure being incurred; and of Rs. 6,18,000 under Civil Works in charge of the Public Works Department, owing to the abandonment or postponement of certain projects for which special provision was made at the time of framing the budget.

7. The closing balance of the current year was estimated in March 1906 at Rs. 89,76,000; in the revised estimate it is now placed at Rs. 91,14,000. The difference is due to the following causes:—

	Rs.
Decrease in the opening balance on account of larger expenditure in 1905-06 as shown in paragraph 1 ...	(−)7,50,000
Increase in the estimate of receipts in 1906-07 as shown in paragraph 4	+10,65,000
Increase in expenditure in the current year as shown in paragraph 6	−1,77,000
Net increase ...	1,38,000

(3) BUDGET ESTIMATE, 1907-08.

8. The opening balance of 1907-08 corresponds with the closing balance of the current year, and is therefore placed at Rs. 91,14,000.

9. The estimate shows receipts aggregating Rs. 5,20,28,000; an expenditure of Rs. 5,36,86,000; and a closing balance of Rs. 74,56,000.

10. The ordinary Provincial minimum closing balance is Rs. 20,00,000; but in addition to that amount the Government of Bengal must (as explained last year) keep the special grant for the improvement of Calcutta untouched. Under present circumstances, therefore, the minimum closing balance is 20 + 50 = 70 lakhs. The estimated closing balance is therefore Rs. 4,56,000 in excess of the present minimum.

11. The estimate as passed by the Government of India provides for receipts aggregating Rs. 5,20,28,000. This amount includes, besides the fixed assignment of Rs. 7,39,000 from Imperial Revenues, the following additional grants made by the Government of India for 1907-08 :—

		Rs.
(1)	For Police re-organization	8,00,000
(2)	„ Training and accommodation of students from Eastern Bengal and Assam at the Veterinary College, Belgachia ...	28,000
(3)	„ Technical education	35,000
(4)	„ European ditto	65,000
(5)	„ Grants to Colleges	80,000
(6)	„ Grant to the University	80,000
(7)	„ Temporary administration of the Madaripur Bhil route	50,000
(8)	„ Temporary occupation of a Provincial building by the offices of the Government of India	16,000
(9)	„ Compensation for abolition of the Patwari Cess (present and prospective) ...	55,000
(10)	„ Reduction or avoidance of debt in connection with the Famine Relief Scheme ...	2,60,000
(11)	„ Provincialization of the Dhaka Canal ...	12,000
		14,81,000
(12)	Less contribution to Imperial for pensions of Calcutta Police Constables paid in the United Provinces of Agra and Oudh ...	21,000
	Net additional grant ...	14,60,000

These additional grants raise the fixed assignment of Rs. 7,39,000 to Rs. 21,99,000. Item (10) is merely a book credit for which there is a corresponding debit in accordance with the new Famine Expenditure Scheme, under which Famine Relief charges will, subject to certain limitations, be divided between Imperial and Provincial, instead of being wholly debited to the latter in the first instance. In accordance with this scheme, the Famine Relief charges in 1907-08 which are estimated at 8 lakhs will be wholly Imperial.

12. The estimates for next year also include a refund of Rs. 2,14,000 advanced from the Provincial Revenues for the Magrahat Drainage, which will be adjusted in the Local account and provided for from Loan funds. Excluding this amount, and also excluding the net assignment from Imperial Revenues (Rs. 21,99,000), the ordinary revenues for the year will, it is anticipated, amount to Rs. 4,96,15,000, showing a betterment of Rs. 29,14,000 on the estimate of Rs. 4,67,01,000 on which the settlement was based.

13. On the expenditure side the total estimated charges for 1907-08 are Rs. 5,36,86,000, exceeding the income by Rs. 16,58,000. This excess of expenditure over income is met by reduction of the accumulated balance, and is more than covered by the non-recurring charges which have been provided

for in the estimates for next year the more important of which are shown below:—

	Rs.	Rs.
Land Revenue—		
Sunderbans reclamation	1,50,000	
Steamer for the Commissioner of the Sunderbans (part cost)	50,000	
Initial outlay in bringing up the record-of-rights in Orissa	1,50,000	
Grant for improvements in record-rooms ...	25,000	
		3,75,000
Forest—		
Survey of Sunderbans Forest (Provincial share) ...	90,000	
Part cost of a steamer for the Forest Department, Sunderbans (Provincial share)	8,000	
		98,000
Jail—		
Establishment for the revision of the Jail Code ...	6,000	
Acquisition of land for Jail extensions ...	28,000	
		34,000
Marine—		
Second Cruiser for the Sandheads (part cost) ...	4,00,000	
Steam-launch to replace the Engineer and Ship-wright Surveyor's launch "Florence" ...	13,000	
		4,13,000
Education—		
Removal of the Commercial class from the Presidency College	6,000	
Buildings for Guru-training Schools ...	95,000	
Improvements in the Presidency College ...	46,000	
		1,47,000
Miscellaneous—		
Fisheries enquiry	.....	50,000
Total Civil Departments ...	.....	11,17,000
Civil Works in charge of Public Works Department—		
Belvedere Ball-room	1,30,000	
Buildings for officials, Calcutta	50,000	
Buildings for offices and officials in Howrah ...	1,00,000	
New Judge's Court, Darbhanga	75,000	
New Presidency Jail and Form Store ...	1,50,000	
Calcutta Police buildings	1,00,000	
Construction of Police Training School, Doranda	1,00,000	
Quarters for Leadsmen apprentices	55,000	
Land and buildings for Patna College Scheme, and Training Schools Hooghly and Bhagalpur ...	1,50,000	
Lunatic Asylum at Ranchi	50,000	
Fourth block, Medical College Hospital ...	1,00,000	
Cholera Ward, Medical College Hospital ...	30,000	
Electric lift, ditto	26,000	
Paying-patients' block for Indians in Medical College Hospital, Calcutta	1,50,000	
Acquisition of the Haritola Basti near Campbell Hospital	1,00,000	
Double-storied block in Campbell Hospital ...	1,00,000	
Agricultural College, Bhagalpur	1,00,000	
Extension of Veterinary Institute, Belgachia ...	86,000	
Obelisk at the Plassey Battlefield	25,000	
Land acquisition, Bally Brickfield	1,70,000	
Total ...	.....	18,47,000
Civil Works in charge of Civil Officers—		
Calcutta Municipality for an Incinerator ...	45,000	
Bhagalpur Municipality for Water-works ...	26,000	
Nadia Municipality for repairs to embankments...	6,000	
Monghyr Municipality for water-supply ...	75,000	
Berhampore Municipality for drainage ...	20,000	
Patna Municipality for 3rd Pumping-station ...	30,000	
Puri Municipality for drainage	75,000	
Kurseong Municipality for Water-works ...	10,000	
Calcutta Municipality for realignment of drains in the Presidency Jail	1,20,000	
Sanitary improvements in Darjeeling ...	50,000	
Total ...	.....	4,57,000
Carried over ...	.....	34,21,000

	Rs.	Rs.
Brought forward ...		34,21,000
Irrigation—Minor Works—		
Balance of the cost of Suction Dredger ...	27,000	
Canal to connect the Bhangore Canal with the Calcutta Canal	3,00,000	
Total ...	.....	3,27,000
GRAND TOTAL ...	.....	37,48,000

14. The estimates also provide, in addition to charges due to the normal growth in administration, such as increase in salaries, superannuation charges, and the like, for the following recurring outlay, which is in excess of the scale of expenditure allowed for in the settlement :—

	Rs.	
Land Revenue and Law and Justice—		
Promotion of Deputy Magistrates, in consequence of increase in the Cadre	90,000	
Promotion of Sub-Deputy Collectors ...	56,000	
		1,46,000
Registration—		
Reorganisation of the Department	80,000	
Increase of pay of clerks in the Registration Department	10,000	
		90,000
General Administration—		
House allowance of officers at the Presidency ...	50,000	
		50,000
Police—		
Additional Sub-Inspectors, Calcutta Police ...	46,000	
Ditto Constables, ditto ...	16,000	
Conveyance and house allowance, Calcutta Police	12,000	
Special allowance to Constables	5,000	
Fourth Deputy Inspector-General of Police ...	19,000	
House allowance and local allowance of Personal Assistant to Inspector-General, of Deputy Inspector-General of Police and of other officers of the Criminal Investigation Department	25,000	
Increase under the reorganization scheme of salaries of Superintendents of Police ...	1,00,000	
Ditto Inspectors of Police	43,000	
Ditto Sub-Inspectors of Police... ...	1,18,000	
Ditto Head Constables of Police ...	36,000	
Additional Constables of Police	1,08,000	
Lump grant for Police reforms	4,00,000	
		9,28,000
Marine—		
Third Surveyor for the survey of steam vessels at Calcutta	7,000	
		7,000
Education—		
Grants to University and Colleges	1,60,000	
Class for Industrial Chemistry in the Civil Engineering College	24,000	
Technical and European education	1,00,000	
Class for motor-car drivers in the Civil Engineering College	4,000	
Reorganization of Educational Service ...	1,15,000	
		4,03,000
Political—		
Political Agent, Feudatory States, Orissa, with his establishment, etc....	36,000	
		36,000
Scientific and Minor Departments—		
Smoke nuisance charges	23,000	
Appointment of Superintendent and Assistant Superintendent, Zoological Gardens ...	10,000	
		33,000
Total ...	.....	16,93,000

PART II.—Detailed remarks on the Budget for 1907-08.

RECEIPTS.

15. *Land Revenue.*—The total collections under this head in 1905-06 amounted to Rs. 2,92,18,589; and the estimate for 1907-08, as passed by the Government of India, is Rs. 2,99,33,000, against Rs. 2,88,50,000 the revised estimate for 1906-07. The estimate includes Rs. 7,93,000 for recoveries of survey and settlement charges, against a write back of Rs. 77,000 in the revised estimate for 1906-07. The details of the recoveries are given in Appendix A.

16. The estimated Provincial share of land revenue is arrived at as follows:—

	Estimate, 1907-08.
	Rs.
Gross Land Revenue	2,99,33,000
Deduct estimated collections from Government estates (now wholly Provincial)	33,00,000
Deduct recoveries of Survey and Settlement charges (Imperial)	7,93,000
Total Deduction ..	40,93,000
Net amount divisible between Imperial and Provincial Funds	2,58,40,000
Provincial share of above (one-half)	1,29,20,000
Add collections from Government estates	33,00,000
Total Provincial ...	1,62,20,000
Add Adjustments as in Appendix A	21,99,000
Total Provincial share ...	1,84,19,000

17. *Stamps.*—The budget estimate of the total revenue from Stamps for 1906-07 was passed by the Government of India for Rs. 1,45,00,000. The actuals in 1905-06 amounted to Rs. 1,43,20,246; those of the first ten months of 1906-07 exceeded the figures of the corresponding period of the preceding year by Rs. 99,000. In view of these figures, and allowing for the adjustment of the shares in the sale of unified stamps between the Postal and the Stamp Departments, the revised estimate for 1906-07 has been passed for Rs. 1,46,00,000. Allowing for a further progressive increase of 6 lakhs, the estimate for 1907-08 has been placed at Rs. 1,52,00,000. The Provincial share is one-half, and amounts to Rs. 73,00,000 in 1906-07 and Rs. 76,00,000 in 1907-08.

18. *Excise.*—The revenue from Excise for 1906-07 was estimated at Rs. 1,57,00,000. The actuals of 1905-06 amounted to Rs. 1,52,58,297, while the figures for the first ten months of 1906-07 show an increase of Rs. 6,82,000 over the actuals of the corresponding period of the preceding year. The revised estimate for the current year has therefore been passed for Rs. 1,60,80,000; and allowing for a progressive increase of about 7¼ lakhs, the estimate for next year has been placed at Rs. 1,68,00,000. The Provincial share (one-half) amounts to Rs. 80,40,000 and Rs. 84,00,000 in 1906-07 and 1907-08, respectively.

19. *Provincial Rates.*—The actual collections of the Public Works cess in 1905-06 amounted to Rs. 35,34,948, and the estimate for the current year was Rs. 35,90,000. The receipts in the first nine months of the current year, however, show an increase of Rs. 21,000 over those of the corresponding period of last year. The revised estimate for 1906-07 has accordingly been placed at Rs. 35,70,000; and the estimate for next year at Rs. 35,75,000. An increase is anticipated on the completion of the revaluation now in progress in the districts of Burdwan, Birbhum, Bankura and Khulna. Under General Rates for the management of private estates, the estimate of receipts is Rs. 1,50,000 against Rs. 1,30,000 the revised estimate for 1906-07. The increase is due partly to the inclusion of certain estates and

partly to the increase in the rate for petty estates from Rs. 2-4 to Rs. 2-8 per Rs. 100 of gross income. The total estimate for next year is thus Rs. 37,25,000 (Rs. 35,75,000 + Rs. 1,50,000).

20. *Assessed Taxes.*—The receipts from income-tax for 1906-07 were estimated at Rs. 46,50,000. The actual collections of 1905-06 amounted to Rs. 46,43,415, while those of the 12 months ending 31st January 1907 were Rs. 48,46,000. The revised estimate for the current year has accordingly been placed at Rs. 48,40,000. To this amount nearly 2½ lakhs has been added as the normal increase of revenue, and the estimate for 1907-08 has been passed for Rs. 50,80,000. The Provincial share (one-half) is Rs. 25,40,000.

21. *Forests.*—The total receipts under this head for 1907-08 are estimated at Rs. 11,80,000, against Rs. 10,80,000 the revised estimate for 1906-07, and Rs. 9,92,836 the actuals of 1905-06. The increase is due to expected increased sales of timber in nearly all the Divisions. The Provincial share (one-half) is Rs. 5,90,000.

22. *Registration.*—The budget estimate under this head for 1906-07 was Rs. 10,50,000. The actuals in 1905-06 amounted to Rs. 10,82,248; and the collections in the first ten months of the current year show an increase of Rs. 1,31,000 over those of the corresponding period of the previous year. The increase in the current year is probably special and is due to the larger number of registrations owing to high prices of food-grains and floods. The revised estimate for 1906-07 has been placed at Rs. 12,50,000; but the estimate for 1907-08 has been passed for Rs. 11,90,000, as the receipts are not expected to be as high as in the current year.

23. *Interest.*—The estimate of loans as passed by the Government of India provides for a return of Rs. 4,80,000, thus:—

	Rs.
Interest on advances to cultivators	1,64,000
,, on drainage and embankment advances	58,000
,, on loans to land-holders	14,000
,, ,, to Municipalities and District Boards, etc.	1,94,000
Miscellaneous accounts	50,000
Total ..	4,80,000

24. *Law and Justice—Courts of Law.*—The actuals in 1905-06 amounted to Rs. 5,61,310, and the receipts in the first ten months of the current year show an increase of Rs. 18,000 as compared with those of the corresponding period of the preceding year. The revised estimate for 1906-07 has accordingly been placed at Rs. 5,80,000. The estimate for 1907-08 is the same amount.

25. *Jails.*—The estimate under this head is Rs. 12,01,000, against Rs. 12,30,000 the revised estimate for 1906-07, and Rs. 12,19,629 the actuals of 1905-06.

26. *Police.*—The actuals of nine months ending 31st December 1906 show an increase of Rs. 7,000 over those of the corresponding period of last year, and as the actuals of 1905-06 were Rs. 1,27,406, the revised estimate has been placed at Rs. 1,38,000. The estimate for next year is Rs. 1,41,000.

27. *Marine.*—The actuals in 1905-06 amounted to Rs. 15,04,678, and the budget estimate for 1906-07 was Rs. 16,50,000. This has been reduced to Rs. 15,48,000 in the revised estimate with reference to the actuals of the first ten months of the current year. The estimate for next year has been passed for Rs. 15,90,000.

28. *Education.*—The actuals in 1905-06 amounted to Rs. 5,80,881. The estimate for 1906-07, amounting to Rs. 6,40,000, has been reduced to Rs. 5,55,000 in the revised estimate, owing to smaller receipts from rent of boarding-houses and sale-proceeds of manufactured articles at the Sibpur Engineering College. The estimate for 1907-08 has been passed for Rs. 5,93,000, as larger receipts are expected under Boarding-houses owing to the contemplated extension of the scheme to the mufassal.

29. *Medical.*—The estimate under this head is Rs. 2,38,000, against Rs. 2,33,000 the revised estimate for 1906-07, and Rs. 4,54,165 the actuals of 1905-06. The actuals included a special contribution of two lakhs from the Calcutta Hospital Port Dues Fund to the Presidency General Hospital and a

rebate of Rs. 15,000 granted by the Calcutta Electric Supply Corporation, Limited, on the charges for units of electricity consumed in the Presidency General Hospital.

30. *Scientific and other Minor Departments.*—The estimate under this head is Rs. 3,00,000, against Rs. 2,96,000 the revised estimate for 1906-07, and Rs. 2,71,968 the actuals of 1905-06. The increase is under Cinchona receipts.

31. *Receipts in aid of Superannuation.*—The total receipts for 1907-08 are estimated at Rs. 56,000, against Rs. 60,000 the revised estimate for 1906-07, and Rs. 86,029 the actuals of 1905-06. The actuals include the cash balance of the Calcutta Police Superannuation Fund credited to Provincial on the abolition of the fund.

32. *Miscellaneous.*—The receipts for 1907-08 are estimated at Rs 5,85,000, against Rs. 6,00,000 the revised estimate for 1906-07, and Rs. 5,04,662 the actuals of 1905-06. The receipts are of a fluctuating character.

33. *Irrigation—Major Works (Direct Receipts).*—The budget estimate for 1906-07 was Rs. 20,72,000. The revised estimate is taken at Rs. 22,20,000, owing to increased water rate collections from the Orissa Canals, and also to a larger area of *kharif* irrigation and larger navigation receipts from the Sone Canals. The estimate for next year has been passed for Rs. 21,99,000.

34. *Minor Works and Navigation in charge of the Public Works Department.*—The estimate for 1907-08 is Rs. 5,81,000, against Rs. 6,55,000 and Rs. 6,25,000 the sanctioned and revised estimates for 1906-07, respectively. The decrease is chiefly under Nadia rivers due partially to a reduction in the rate of toll.

35. *Civil Works in charge of the Public Works Department.*—The receipts for 1907-08 are estimated at Rs. 2,75,000, against Rs. 2,61,000 and Rs. 3,05,000 the sanctioned and revised estimates, respectively, for the current year. The revised estimate includes receipts from the sale of the buildings on the land acquired for nurses' quarters at the Medical College, Calcutta.

EXPENDITURE.

36. *Refunds and Drawbacks.*—The total Provincial expenditure in 1907-08 is estimated at Rs. 1,30 000, against Rs. 1,24,000 the revised estimate for 1906-07. The estimate is generally based on the average actuals of the last three years excluding special payments.

37. *Land Revenue.*—The total Provincial expenditure for 1907-08 is estimated at Rs. 37,75,000, against Rs. 35,00,000 the revised estimate for 1906-07, as shown below :—

	1906-1907.		1907-1908.
	Budget.	Revised.	Budget.
	Rs.	Rs.	Rs.
(1) Charges of District Administration	29,20,000	26,34,000	27,99,000
(2) Charges on account of Land Revenue collections ...	1,400	1,000	1,200
(3) Management of Government estates	4,17,000	4,75,000	4,68,000
(4) Survey and Settlement ...	2,00,000	2,40,000	2,79,800
(5) Land Records and Agriculture	2,62,000	1,50,000	2,27,000
For rounding ...	600	.. ...	.. ...
Total ...	38,01,000	35,00,000	37,75,000

The increase in the budget for 1907-08 under (1) over the revised estimate for 1906-07 is due to full provision having been made for the additional Deputy Magistrates sanctioned by the Government of India and to partial provision for the promotion of Deputy Collectors and Sub-Deputy Collectors consequent on the increase in the cadre; to a provision of Rs. 50,000 as part cost of a new steamer for the Commissioner of the Sunderbans; and to the inclusion of the whole cost of the Kanungo establishment and their travelling allowances under this head, instead of one-half as before. A provision of Rs. 1,50,000 has been made under (3) for the Sunderbans reclamation work, and of Rs. 1,50,000 under (5) for initial outlay in bringing up the record-of-rights in Orissa.

38. *Stamps.*—The estimate for 1907-08 amounts to Rs. 4,41,000, against Rs. 3,70,000 the budget estimate for 1906-07, and Rs. 4,38,545 the actuals of 1905-06. The increase is chiefly under "Stamp paper supplied from Central stores." The Provincial share (one-half) is Rs. 2,20,000.

39. *Excise.*—The estimate for 1907-08 is Rs. 7,70,000, against Rs. 7,32,000 the budget grant for the current year. The increase is due to provision—(*a*) for an officer on special duty, (*b*) for establishment for the extension of the contract distillery system, (*c*) for increase in the number of Inspectors and Sub-Inspectors and temporary establishment for inspection duty, and (*d*) for a larger grant for the construction of small spirit depôts. The Provincial share (one-half) is Rs. 3,85,000.

40. *Provincial Rates.*—The estimate for 1907-08 is Rs. 27,000, against Rs. 61,000 the budget grant for 1906-07, and Rs. 56,968 the actuals of 1905-06. The decrease is under Collection Charges, and is due to the abolition of the system of pre-payment of process fees for the collection of arrears of cess, which are now not paid in cash but are adjusted by transfer credit to Stamps.

41. *Assessed Taxes.*—The budget grant for 1907-08 is Rs. 1,52,000, against Rs. 1,45,000 the sanctioned estimate for 1906-07. The increase is chiefly under Assessing establishment, and is due to the introduction of a time scale of pay for assessors. The provincial share (one-half) is Rs. 76,000.

42. *Forests.*—The total expenditure for 1907-08 is estimated at Rs. 7,30,000, against Rs. 6,50,000 the budget estimate for 1906-07. The increase is chiefly on account of the survey of the Sunderbans forest in the district of Khulna. The Provincial share (one-half) is Rs. 3,65,000.

43. *Registration.*—The estimate for 1907-08 is Rs. 7,00,000, against Rs. 6,92,000 the budget estimate for 1906-07. The increase is due to a provision of Rs. 10,000 for increase of pay of establishment.

44. *General Administration.*—The total expenditure for the current year was originally estimated at Rs. 17,32,000, but in the revised estimate the figure has been raised to Rs. 18,33,000. The estimate for 1907-08 has been passed for Rs. 18,39,000. The budget includes provision for additional copying staff in the Secretariat for copying old records for the India office, Rs. 30,000 for the revision of the chaukidari panchayets, Rs. 25,000 for increase of pay of Ministerial establishment in the Commissioners' offices, and Rs. 50,000 for house allowances of officers in Calcutta.

45. *Law and Justice—Courts of Law.*—The budget estimate for the current year was Rs. 74,00,000, but in the revised estimate this has been raised to Rs. 74,20,000 with reference to the actuals of the first nine months of the year. The estimate for 1907-08 has been placed at Rs. 74,19,000. The estimate includes provision for the fourth Presidency Magistrate and an additional Subordinate Judge and their establishments.

46. *Jails.*—The estimate for the current year was Rs. 22,71,000, against Rs. 24,50,234 the actuals of last year. The actuals of the first ten months of the current year show an increase of Rs. 1,31,000 as compared with the figures of last year, and the revised estimate for the year has accordingly been raised to Rs 25,10,000. The increase is chiefly under Dietary charges on account of high prices of food-grains, and also to a lesser extent under Jail Manufactures owing to higher prices of raw materials. The estimate for next year is Rs. 24,09,000, and includes Rs. 6,000 for the revision of the Jail Code and Rs. 16,500 for the improvement of the warder service.

47. *Police.*—The following table compares the estimates under this head:—

HEADS.	1905-06, Actuals.	1906-07.		1907-08, Estimate.
		Budget.	Revised.	
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
(1) Presidency Police ...	9,57,399	10,06,600	11,19,000	11,11,000
(2) Municipal „ ...	48,565	44,000	50,000	60,000
(3) Superintendence ...	1,98,102	2,01,000	2,00,000	2,70,000
(4) District Executive Force ...	43,65,540	47,60,700	51,00,000	52,94,000
(5) Village Police ...	48,411	51,000	63,000	50,000
(6) Special „ ...	91,222	63,000	55,000	63,000
(7) Railway „ ...	1,78,157	2,17,500	2,03,000	2,46,600
(8) Cattle-pounds ...	433	1,000	1,000	500
(9) Refunds	4,815	12,200	5,000	4,900
(10) Cantonment Police ...	.....	10,000	.....	.....
(11) Criminal Investigation Department	.....	.....	84,000	.....
Total ...	58,92,674	65,67,000	68,80,000	71,00,000

The actuals of the first ten months of the current year indicate that there will be considerable excesses under the heads "District Executive Force" and "Presidency Police." The revised estimate has therefore been passed for Rs. 68,80,000, including Rs. 2,05,000 for grain compensation allowance. The estimate for 1907-08 has been placed at Rs. 71,00,000. This estimate includes a lump provision of 4 lakhs for further reorganization of the Police Department, of which Rs. 35,000 has been allotted to Presidency Police and Rs. 3,65,000 to District Police. Further details are shown in Appendix B.

48. *Marine.*—The estimate for 1907-08 is Rs. 15,71,000, against Rs. 10,97,000 and Rs. 12,28,000 the budget and revised estimates, respectively, for the current year. The estimate includes Rs. 4,00,000 as part of the cost of a second steam cruiser for the Sandheads, and Rs. 13,000 for part cost of the new steam-launch which is under construction to replace the Engineer and Shipwright Surveyor's launch *Florence*. It also includes provision for a 3rd Surveyor for the survey of steam vessels in the Port of Calcutta. The revised estimate includes anticipated larger payments for building and repairs of pilot vessels and for earnings and allowances of pilots.

49. *Education.*—The total Provincial expenditure in the current year was originally estimated at Rs. 41,00,000, but in the revised estimate this has been reduced to Rs. 38,99,000. A portion of the grant of this Department has been transferred to the Public Works Department and to the District Boards for the construction of educational buildings and acquisition of land. The estimate of departmental expenditure for 1907-08 is Rs 42,96,000.

This is exclusive of the especial allotment of Rs. 1,50,000 in the Public Works budget for the Patna College Scheme and for Training Colleges at Hooghly and Bhagalpur. The following table shows the growth of expenditure under Education both in the Provincial and Local accounts (most of the expenditure under the latter is met from grants from Provincial Revenues) from the year 1901-02:—

(The figures are in thousands.)

	Accounts.					1906-07.		1907-08.
	1901-02.	1902-03.	1903-04.	1904-05.	1905-06.	Budget.	Revised.	Budget.
Provincial.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Direction	78	68	90	90	98	91	1,07	1,00
University ...	...	...	...	2,00	87	80	81	80
Inspection ...	2,47	2,60	2,57	2,49	2,91	4,36	4,20	4,78
Government Colleges, General ..	4,56	4,82	4,75	5,32	5,27	6,69	5,03	6,17
Government Colleges, Professional ...	2,09	2,23	2,67	2,02	2,30	2,91	2,51	3,26
Government Schools, General ...	4,58	4,79	5,32	4,86	5,07	5,50	5,43	5,51
Government Schools, Special	2,15	2,17	2,72	3,11	3,45	4,75	3,99	6,95
Grants-in-aid ...	5,51	6,42	7,16	7 62	8,18	7,80	11,14	8,55
Scholarships ...	1.60	1,66	1,65	1,59	1.49	1,65	1,50	1,70
Miscellaneous ..	41	66	1,09	75	95	1,23	1,17	1,29
Refunds	1	6	7	2	22	3	3	6
Technical Education ...	...	...	...	...	...	1,35	...	35
Lump provision for Primary Education and other Educational Schemes ...	...	...	...	..	...	2,97	.	4,54
Lump provision for Grain Compensation Allowance ...	...	.	...	..	...	5	...	...
Reorganisation of the salaries of the Education Department ..	...	...	..	...	...	...	2,11	1,41
								46,37
Deduct—Probable savings	..	...	...	...	...	..	...	3,41
Total Provincial ...	24,16	26,09	28,90	30,68	31,69	41,00	38,99	42,96
Local.								
Inspection ...	1,95	2,01	2,31	2,10	2,13	1,08	1,00	1,00
Schools	67	71	75	76	95	1,21	1,14	1,14
Grants-in-aid ...	5,49	7,82	7,70	8,09	8,17	8,96	8,47	8,47
Scholarships ...	19	20	21	26	35	47	37	37
Miscellaneous ...	14	36	42	29	32	28	34	34
Refunds	...	...	...	2	...	...	...	...
Total Local ...	8,41	11,10	11,37	11,82	11,92	12,00	11,32	11,32
Grand Total ...	32,60	37,19	40,27	42,50	43,61	53,00	50,31	54,28

The above table shows that the expenditure under this head is increasing year after year. The Provincial budget for 1907-08 includes the following provisions:—

	Rs.
3 Additional Assistant Inspectresses with their establishment and contingencies	13,000
Assistant Inspector for the Feudatory States in Orissa with his establishment	4,000
2 Additional Inspectors with their establishment ...	17,000
For improvements in the Presidency College	46,000

	Rs.
For removal of the Commercial class from the Presidency College	6,000
Class for Industrial Chemistry in the Civil Engineering College	24,000
Class for motor car driver artizans	4,000
For a Girls' School at Sambalpur	4,000
For Muktab Scheme	21,000
„ training institutes for Primary School teachers ...	2,78,000
„ guru training school in the Tributary Mahals, Orissa ...	7,000
„ guru training school buildings	95,000
Lump provision for primary education, including additional Sub-Inspecting Agency, etc.	4,54,000

50. *Medical.*—The estimate for 1907-08 is Rs. 22,63,000, against Rs. 21,89,000 the budget estimate for 1906-07, and Rs. 21,74,075 the actuals of 1905-06. The estimate includes Rs. 10,000 for improvement of pay and position of Civil Hospital Assistants, and Rs. 12,600 for the salary of a whole-time Superintendent of the Berhampore Lunatic Asylum. Larger provision has also been made for diet of patients in Hospitals and Lunatic and Leper Asylums.

51. *Political.*—The budget grant for 1907-08 is Rs. 45,000, against Rs 27,000 the revised estimate for 1906-07, and Rs. 12,637 the actuals of 1905-06. The budget includes a provision of Rs. 36,000 for the salary, establishment and contingencies of the Political Agent, Orissa Feudatory States.

52. *Scientific and other Minor Departments.*—The estimate for 1907-08 is Rs. 10,50,000, against Rs. 9,70,000 the revised estimate for 1906-07, and Rs. 9,72,543 the actuals of 1905-06. Provision has been made in the budget for the following charges:—

	Rs.
For smoke nuisance charges	23,000
For collection of sanitary statistics	3,500
For salary of Superintendent and Assistant Superintendent, Zoological Gardens	10,000
For staff of expert borers for irrigation purposes	12,000
For a home farm	15,000
Initial cost of a new farm	75,000
Do. of a new tasar silk farm	7,000
Increased grant for Veterinary Department	12,000

53. *Superannuation.*—The charges under this head show a progressive increase year after year, owing to the increase in the claims to pension. The estimate for 1907-08 is Rs. 25,71,000, against Rs. 24,74,000 the revised estimate for 1906-07, and Rs. 23,92,500 the actuals of 1905-06. The estimate includes provision for payment of pensions of the Calcutta Police constables and the Zamindari Dâk runners which were formerly paid from the Police Superannuation Fund and the District Post Fund. These funds have now been abolished.

54. *Stationery and Printing.*—The estimate for 1907-08 is Rs. 11,66,000, against Rs. 11,31,000 the revised estimate for 1906-07, and Rs. 10,78,997 the actuals of 1905-06. The increase is chiefly in Government Presses, owing to the introduction of the piece rates allowed in the Presses of the Government of India and also owing to provision for European stores.

55. *Miscellaneous.*—The estimate for next year amounts to Rs. 3,70,000, against Rs. 3,43,000 the revised estimate for 1906-07, and Rs. 3 40,929 the actuals of 1905-06. The budget includes Rs. 10,000 on account of donations payable to officers of the Indian Educational Service for passing examinations in oriental languages, and larger provision for grants to charitable institutions.

56. *Irrigation—Major Works (Working Expenses).*—The actual expenditure during 1905-06 was Rs 10,18,139; and Rs. 10,75,000 was passed as the budget grant for 1906-07. During the course of the year there were unusual floods

which caused great damage thus necessitating a larger grant for repairs. The revised estimate for 1906-07 has accordingly been raised to Rs. 11,60,000. The estimate for 1907-08 has been placed at Rs. 11,04,000.

57. *Irrigation—Minor Works and Navigation in charge of the Public Works Department.*—The actual expenditure during 1905-06 was Rs. 21,57,993, inclusive of Rs. 1,59,884 spent on the Magra Hât Drainage scheme. The expenditure on this scheme chargeable to the grant-in-aid of Rs. 5,00,000 from Provincial Revenues has from 1906-07 been classed as 43—Minor Works—Incorporated Local in accordance with the orders of the Government of India. The budget estimate for 1906-07 was Rs. 21,85,000, including (1) Rs. 4,50,000 for a suction dredger, (2) Rs. 1,40,000 on account of Government contribution for the Magra Hât Drainage scheme, (3) Rs. 75,000 for the Bhairab Valley Drainage scheme, and (4) Rs. 40,000 for a pumping installation in Bihar required for sugarcane irrigation. The revised estimate for 1906-07 has been passed for Rs. 20,72,000, exclusive of the revised grant for the Magra Hât Drainage scheme. It includes Rs. 20,000 for constructing sheds for the Calcutta Canal, and Rs. 12,000 for expenditure on the Tajpur drainage project in the Contai sub division. The estimate for 1907-08 is Rs. 19,00,000, made up of Rs. 14,70,000 for normal charges, inclusive of a sum of Rs. 25,000 under Reserve to meet unforeseen demands, and of Rs. 4,30,000 for special works, viz.—(1) Rs. 27,000 for the balance of the cost of the suction dredger brought out from England (2) Rs. 3,00,000 for a canal to connect the Bhangore Canal with the Calcutta canal, and (3) Rs. 1,03,000 as a reserve for Minor Works which may be taken up during the year.

58. *Civil Works in charge of the Civil Department*—The estimate for 1907-08 is Rs. 8,00,000, and includes provision of Rs. 7,55,000 for grants to Municipalities and Excluded Local Funds which are adjusted under this head.

59. *Civil Works.*—The estimate of expenditure in charge of the Public Works Department for 1907-08 has been placed at Rs. 70,00,000, which is distributed thus:—

	Rs.
Original Works	45,00,413
Repairs	15,51,000
Establishment	8,80,587
Tools and Plant	68,000
Total ...	70,00,000

The allotment for Original Works includes the following grants:—

	Rs.
Deputy Commissioner's Court, Angul	20,000
Civil Court Building and Record-room, Darbhanga ...	75,000
Civil Courts, Jessore	61,000
Residences of Munsifs	40,000
Erection of an obelisk at the Battle-field, Plassey ...	25,000
Improvement of Ball-room at Belvedere	1,39,000
Extension of High Court Buildings	1,75,000
New Presidency Jail and Form Store	1,50,000
Radical improvement of the Sleeping Barracks in the Midnapore Central Jail	75,000
Police Training School, Doranda	1,00,000
Constables, ditto, Ranchi	20,000
Ditto ditto, Berhampore...	25,000
Calcutta Police Buildings	1,00,000
Patna College Scheme	70,000
Training Colleges, Hooghly and Bhagalpur	80,000
New Zilla School Buildings and hostel, and chapel for Boarding School, Kurseong	50,000
Paying patients block in Presidency General Hospital ...	1,00,000
Two-storied Ward in the Campbell Hospital	1,00,000
Acquisition of Haritola Basti	1,00,000
Surgical Block, Medical College	1,50,000
Fourth ditto, ditto Hospital	1,00,000
Cholera Ward ditto ditto	30,000
Electric Lift ditto ditto	26,100
Paying patients' Ward for Indians ditto	1,50,000

	Rs.
Lunatic Asylum, Ranchi	50,000
Housing of officials, Howrah	1,00,000
Ditto, Calcutta	50,000
Residences for Government officials in Mufassal	32,500
Extension of Veterinary Institution	86,000
Agricultural College	1,00,000
Replacing and improving inflammable buildings... ...	31,700
New High Level Teesta Valley Road	2,12,000
Ranchi-Chaibassa Road	80,000
Quarters for Leadsmen Apprentices, Bengal Pilot Service	55,000
Revetting the Chowrasta above the Volunteers' Head-quarters Darjeeling	20,000
Total ...	27,69,300

60. *Contributions from Provincial to Local.*—The budget estimate for 1906-07, amounting to Rs. 19,10,000, has been raised to Rs. 23,22,000 in the revised estimate, as a provision of Rs. 4,40,000 has been made for the Magra Hât Drainage scheme, the charges for which are to be adjusted in the Local account from 1906-07. The estimate for 1907-08 is Rs. 20,10,000, and includes a provision of Rs. 9,00,000 for grants to District Boards.

BENGAL PROVINCIAL REVENUE.

(The figures are in thousands of rupees, except for Actuals.)

Heads.	1905-1906.	1906-1907.		1907-1908.
	Actuals.	Sanctioned estimate.	Revised estimate.	Budget estimate.
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Opening balance	1,30,00,101	1,17,98	1,10,48	91,14
Principal Heads of Revenue—				
I.—Land Revenue { Proper ...	75,27,997	1,60,49	1,60,49	1,62,20
I.—Land Revenue { Adjustments ...	+95,62,984	+10,02	+15,55	+21,99
IV.—Stamps	71,60,123	72,50	73,00	76,00
V.—Excise	66,75,505	78,50	80,40	84,00
VI.—Provincial Rates	36,48,342	37,20	37,00	37,25
VIII.—Assessed Taxes	11,60,853	23,25	24,20	25,40
IX.—Forests	2,48,209	5,00	5,40	5,90
X—Registration	10,82,248	10,50	12,50	11,90
Total ...	3,70,66,261	3,97,46	4,08,54	4,24,64
XII.—Interest	2,52 386	3,67	3,86	4,80
Receipts by Civil Department—				
XVIA—Courts of Law	5,61,810	5,60	5,80	5,80
XVIB.—Jails	12,19,629	12,50	12,30	12,51
XVII.—Police	1,27,406	1,67	1,38	1,41
XVIII.—Marine	15,04,678	16,50	15,48	15,90
XIX.—Education	5,80,881	6,40	5,55	5,93
XX.—Medical	4,54,165	2,60	2,33	2,38
XXI.—Scientific and other Minor Departments	2,71,968	2,94	2,96	3,00
Total ...	47,20,037	48,21	45,80	46,93
Miscellaneous—				
XXII.—Receipts in aid of Superannuation	86,029	57	60	56
XXIII.—Stationery and Printing ...	1,23,228	1,29	1,22	1,30
XXV.—Miscellaneous	5,04,662	5,76	6,00	5,85
Total ...	7,13,919	7,62	7,82	7,71
Irrigation—				
XXIX.—Major Works (direct receipts) ...	21,39,054	20,72	22,20	21,99
XXX—Minor Works and Navigation—				
By Civil Department ...	1,22,16	1,26	1,17	1,10
By Public Works Department...	6,67,845	6,55	6,25	5,81
Total ...	29,29,059	28,53	29,62	28,90
Buildings and Roads—				
XXXII.—Civil Works—				
By Civil Department ...	1,91,890	1,89	1,97	1,98
By Public Works Department..	2,25,868	2,64	3,05	2,75
Total ...	4,17,758	4,53	5,02	4,73
Contributions ...	43,520	2,70	2,71	2,57
Total Revenue in Bengal ...	4,61,42,940	4,92,72	5,03,37	5,20,28
Receipts of the districts transferred to Eastern Bengal and Assam for the first 6½ months	54,53,066	.....	.....	.....
Total Revenue ...	5,15,96,006	4,92,72	5,03,37	5,20,28
Grand Total ...	6,45,96,107	6,10,70	6,13,85	6,11,42

BENGAL PROVINCIAL EXPENDITURE.

(The figures are in thousands of rupees except for Actuals.)

Heads.	1905-1906.	1906-1907.		1907-1908.
	Actuals.	Sanctioned estimate.	Revised estimate.	Budget estimate.
1	2	3	4	5
Direct demand on the revenues—	Rs.	Rs.	Rs.	Rs.
1. Refunds and Drawbacks ...	1,13,549	1,15	1,24	1,30
2. Assignments and Compensations ...	38,792	83	78	62
3. Land Revenue	32,27,988	38,01	35,00	37,75
6. Stamps	2,19,272	1,85	2,20	2,20
7. Excise	3,01,763	3,66	3,63	3,85
8. Provincial Rates	56,968	61	49	27
10. Assessed Taxes	85,976	72	76	76
11. Forests	1,29,102	8,25	3,37	3,65
12. Registration	6,08,240	6,92	6,50	7,00
Total ...	47,31,650	57,00	53,97	57,40
13. Interest on ordinary debt ...	2,10,291	2,22	2,47	3,10
15. Post Office	1,905	.....	.....	.....
Salaries and expenses of the Civil Department—				
18. General Administration ...	19,28,688	17,32	18,33	18,39
19A. Courts of Law	71,28,326	74,00	74,20	74,19
19B. Jails	24,50,234	22,71	25,10	24,09
20. Police	58,92,674	63,67	68,80	71,00
21. Marine	12,70,369	10,97	12,28	15,71
23. Education	31,68,646	41,00	38,99	42,96
24. Medical	21,74,075	21,89	21,94	22,63
25. Political	12,637	10	27	45
26. Scientific and other Minor Departments	9,72,543	10,76	9,70	10,50
Total ...	2,49,98,192	2,62,42	2,69,61	2,79,92
Miscellaneous—				
29. Superannuation, &c.	23,92,560	25,37	24,74	25,71
30. Stationery and Printing ...	10,78,997	10,29	11,31	11 66
32. Miscellaneous	3,46,929	2,77	3,43	3,70
Total ...	38,18,486	38,43	39,48	41,07
Famine Relief and Insurance—				
33. Famine Relief	.....	.....	7,00	... ..
36. Reduction or avoidance of Debt ...	... ..		. ...	2,60
Total ...	.....	.....	7,00	2,60
Railway Revenue Account—				
40. Subsidised Company's land, &c. ...	21	.....	... ..	1
Irrigation—				
42. Major Works—				
Working Expenses	10,18,139	10,75	11,60	11,04
Interest on Debt	24,51,959	24,52	24,52	24,52
43. Minor Works and Navigation—				
By Civil Department ...	9,995	10	10	10
By Public Works Department .	21,57,993	21,85	20,72	19,00
Total ...	56,37,996	57,22	56,94	54,66
Buildings and Roads—				
45. Civil Works—				
By Civil Department ...	1,70,524	11,30	2,95	8,00
By Public Works Department ..	62,78,627	73,25	67,07	70,00
Total ..	64,49,151	84,55	70,02	78,00
Contributions	22,76,559	19,10	23,22	20,10
Total Expenditure in Bengal ...	4,81,24,251	5,20,94	5,22,71	5,36,86
Expenditure of the districts transferred to Eastern Bengal and Assam for the first 6½ months	54,24,067	.....	.....	.....
Total Expenditure ...	5,35,48,318	5,20,94	5,22,71	5,36,86
Closing balance	1,10,47,789	89,76	91,14	74,56
GRAND TOTAL ...	6,45,96,107	6,10,70	6,13,85	6,11,42
Provincial surplus (+) or deficit (—) ...	—19,52,312	—28,22	—19,34	—16,58

APPENDIX A.

Bengal Provincial Receipts, in detail, of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

THE remarks in column 6, except when otherwise specially explained, refer to difference between columns 3 and 5. The figures in column 2 against Eastern Bengal represent the actuals of the first six months and-a-half in the districts transferred to Eastern Bengal and Assam.

I.—Land Revenue—

HEADS.	1905-1906	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
(1) Gross Land Revenue	Rs. 3,02,18,589	Rs. 2,93,61,000	Rs. 2,88,50,000	Rs. 2,99,33,000	
(2) Deduct 12 per cent. on collections from Government estates in 1905-06 and 100 per cent. in 1906-07 and 1907-08 which is wholly Provincial ..	3,91,096	33,38,000	31,71,000	33,00,000	
(3) Deduct recoveries of Survey and Settlement charges which are Imperial	2,79,890	5,00,000	—77,000	7,93,000	Bihar ... Rs. 6,53,000 Ranchi ... .. 1,40,000 Total ... 7,93,000
Total deduction ...	6,70,986	37,38,000	30,94,000	40,93,000	
(4) Net amount divisible between Imperial and Provincial	2,95,47,603	2,56,23,000	2,57,56,000	2,58,40,000	
(5) Provincial share of above (one-fourth in 1905-06, and (one-half in 1906-07 and 1907-08) ...	71,36,901	1,28,11,000	1,28,78,000	1,29,20,000	
(6) Add percentage on collections from Government estates as in (2) above	3,91,096	33,38,000	31,71,000	33,00,000	
Total Provincial ...	75,27,997	1,60,49,000	1,60,49,000	1,62,20,000	
Add on account of adjustments as shown below ...	95,62,984	10,02,000	15,55,000	21,99,000	
Total Bengal ..	1,70,90,981	1,70,51,000	1,76,04,000	1,84,19,000	
Eastern Bengal ...	10,51,484	.....	.....	.....	
Grand Total (Provincial share) ..	1,81,42,465	1,70,51,000	1,76,04,000	1,84,19,000	

Adjustments—

Contribution from Imperial to Provincial—					
Fixed adjusting entry under the new Provincial Settlement	49,03,000	5,72,000	7,39,000	7,39,000	Increase in revised and budget due to addition of Rs. 1,67,000 for increase in cadre of Deputy Magistrates
For temporary management of Madaripur Bhil Route	.....	.....	50,000	50,000	
For Cantonment Magistrates' salaries, establishment, &c.	.....	29,000	29,000	....	Reimperialized from 1st April 1907.
For Famine Relief scheme	.....	.....	.....	2,60,000	
For Archæological works	...	...	10,000	.....	Special grant.
For Sikkim Police	3,000	.....	.....		
For the preservation of ancient manuscripts ...	6,000	.. ...	.....	...	
For Monuments and Antiquities	15,000	...	...	...	
For Police reorganization	12,00,000	4,00,000	4,00,000	8,00,000	
For Primary Education	10,00,000	.. ...		..	
For Technical Do.	.....	35,000	35,000	35,000	
For European and Eurasian education	...	...	65,000	65,000	
For grants-in-aid to District Boards	12,50,000	.....	.....	...	
For the development of Agricultural and Veterinary Departments	8,50,000	.....	.....		
For grants to the University and private Colleges	1,10,000	1,60,000	1,60,000	1,60,000	
For abolition of Patwari Cess in Sambalpur	.....	26,000	26,000	26,000	
For surplus of Revenue over expenditure in the districts transferred to Eastern Bengal and Assam from 16th October 1905 to 31st March 1906	7,55,747	.....	2,23,000	...	Revised represents refund of expenditure incurred in E B and Assam in 1905-06 outside the transferred districts on account of the partition.
For excess of expenditure over receipts in the transferred area—in Sambalpur from 16th October 1905 to 31st March 1906	91,000	.....	.....	...	
For improvements of Dalhousie Square ...	1,38,237	.	.....	.....	
For Cantonment Police	10,000	.....	...	.....	
For temporary occupation of 2, Bankshall Street by Commerce and Industry Department ..	16,000	.....	16,000	16,000	
For training and accommodation of students from Eastern Bengal and Assam at Veterinary College, Belgachia	.....	. ...	25,000	26,000	
For maintenance of Land Records in Orissa in consequence of the stoppage of contemplated Patwari Cess	. .	.	. ...	20,000	
For Provincialization of Dhaka Canal	..	.....	12,000	12,000	
Total ...	98,47,984	12,22,000	17,93,000	22,20,000	
Contribution from Provincial to Imperial—					
For training of Bengal students at Raj Kumar College	2,000	.....	.....	.....	
For the transfer of the Stamp and Stationery Office	1,68,000	.....	... .	...	
For redistribution of charges under "Assignments and Compensations."	1,15,000	.....	.....	.....	
Balance of the Zamindari Dák Fund transferred to Imperial on the abolition of the Fund, a corresponding credit having been afforded to Provincial under contribution from Local ...	.....	2,20,000	2,17,000	.....	
For pensionary charges of Calcutta Police Constables paid in the United Provinces and Agra	. .	...	21,000	21,000	
Total ...	2,85,000	2,20,000	2,38,000	41,000	
Net sum to be transferred from Imperial ...	95,62,984	10,02,000	15,55,000	21,99,000	

IV.—Stamps—

Heads.	1905-06.	1906-07.		1907-08.	Remarks.
	Actuals.	Sanctioned Estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Sale of general stamps	38,42,429	38,50,000	39,50,000	40,50,000	Budget allows for normal increase.
Do. of Court-fee stamps	1,01,10,891	1,02,50,000	1,02,50,000	1,07,62,000	
Do. of plain paper to be used with Court-fee stamps	1,84,121	1,80,000	1,83,000	2,00,000	
Duty on impressing documents	1,61,442	1,51,000	1,48,000	1,50,000	
Fines and penalties	20,602	18,000	22,000	20,000	
Miscellaneous	761	51,000	27,000	18,000	
Total	1,43,20,246	1,45,00,000	1,46,00,000	1,52,00,000	
Eastern Bengal ...	40,51,632	.....	.....	.....	
Grand Total ...	1,83,71,878	1,45,00,000	1,46,00,000	1,52,00,000	
Provincial share (one-half) ...	91,85,939	72,50,000	73,00,000	76,00,000	

V.—Excise—

License and distillery fees and duties for the sale of liquors and drugs—					
Foreign liquors	2,85,901	3,50,000	3,60,000	3,70,000	
Indian-made liquors excised at tariff rates ...	7,88,548	8,70,000	8,80,000	9,00,000	
Country spirits—					
License fees—					
Distillery	79,92,694	82,80,000	84,00,000	89,15,000	
Outstills					
Still-head duty					
Miscellaneous					
Toddy revenue	11,10,702	12,00,000	12,30,000	12,50,000	
Opium and its preparation	5,88,208	6,00,000	6,20,000	6,50,000	
Other drugs, ganja, bhang, &c.	12,77,320	12,80,000	13,20,000	13,30,000	
Total ...	1,20,43,403	1,26,80,000	1,28,10,000	1,34,15,000	Budget framed with reference to progressive increase of revenue.
Gain on sale-proceeds of Excise opium	16,26,543	16,35,000	17,50,000	18,50,000	
Duty on ganja	15,70,550	14,65,000	15,00,000	15,15,000	The decrease compared with the actuals due to the rise in the wholesale price of ganja.
Fines, confiscations and miscellaneous	17,752	20,000	20,000	20,000	
Total ...	1,52,58,297	1,57,00,000	1,60,80,000	1,68,00,000	
Eastern Bengal ...	15,87,859	.....	.....	... ..	
Grand Total ...	1,68,46,156	1,57,00,000	1,60,80,000	1,68,00,000	
Provincial share (seven-sixteenths in 1905-06 and one-half in 1906-07 and 1907-08).	73,70,193	78,50,000	80,40,000	84,00,000	

VI.—Provincial Rates—

Public Works Cess	35,34,948	35,90,000	35,70,000	35,75,000	Revised based on 10 months' actuals.
General rates for the management of private estates	1,13,394	1,30,000	1,30,000	1,50,000	Budget includes rates from the estates which are expected to come under Government management and also for increase in the rate for petty estates from Rs. 2-4 to 2-8 per Rs. 100 of gross income.
Total ..	36,48,342	37,20,000	37,00,000	37,25,000	
Eastern Bengal ...	7,86,960	.....	.....	.. ...	
Grand Total ...	44,35,302	37,20,000	37,00,000	37,25,000	

VIII.—Assessed Taxes—

Deductions by Government from salaries and pensions, etc.	4,06,743	4,10,000	4,12,000	4,30,000	
Deductions by Government from interest on Government securities	12,855	14,000	18,000	20,000	
Deductions from profits of Railway Companies ..	.....	4,000	.....	.....	
Deductions from salaries, etc., paid by local authority or company	55,239	54,000	60,000	60,000	
Income-tax on securities of local authority or company	98,568	94,000	1,02,000	1,00,000	
Ordinary collections	40,49,555	40,55,000	42,28,000	44,03,000	
Penalties	12,133	11,000	14,000	13,000	
Miscellaneous	8,312	8,000	6,000	6,000	
Total ...	46,43,415	46,50,000	48,40,000	50,30,000	Budget provides for an increase of Rs. 2,40,000 over revised in view of progressive growth.
Eastern Bengal	3,86,317	.....	.....	.....	
Grand Total ...	50,29,732	46,50,000	48,40,000	50,30,000	
Provincial share (one-fourth in 1905-06 and one-half 1906-07 and 1907-08)	12,57,433	23,25,000	24,20,000	25,15,000	

—Forests—

Heads.	1906-1906.	1906-1907.		1907-1908.	Remarks.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Timber and other produce removed from the forests by Government agency	79,723	1,94,000	63,000	51,000	Decrease in the revised is due to the substitution of the system of direct removal for departmental agency. The further decrease in the budget is for expected smaller receipts from the sale of sleepers and timber in Kurseong and Sambalpur Divisions, and in the sale of fuel in Darjeeling.
Timber and other produce removed from the forests by consumers or purchasers	8,60,619	8,58,000	9,69,000	10,83,000	Increase in the revised is due to the above cause as well as to increased sales of timber from nearly all Forest divisions, especially from the Sundarbans and Singhbhum Divisions. Budget provides for increased sales of timber in nearly all the Divisions.
Confiscated drift and waif wood	5,639	3,200	4,000	4,000	
Miscellaneous	47,055	34,800	44,000	42,000	
Total ...	9,92,836	10,00,000	10,80,000	11,80,000	
Eastern Bengal	1,25,706	.....	.....	.....	
Grand Total ...	11,18,542	10,00,000	10,80,000	11,80,000	
Provincial share (one-fourth in 1905-06 and one-half in 1906-07 and 1907-08)	2,79,635	5,00,000	5,40,000	5,90,000	

X.—Registration—

Fees for registering documents	10,04,516	9,70,000	11,65,000	11,05,000	Increase in the revised is owing to larger number of registrations due to the high prices of food-grains and floods. The receipts next year are not expected to be as high as in the current year.
Fees for copies of registered documents	27,348	28,000	30,000	30,000	
Miscellaneous	50,184	52,000	55,000	55,000	
Total ...	10,82,048	10,50,000	12,50,000	11,90,000	
Eastern Bengal	3,68,234	.....	.....	.....	
Grand Total ...	14,50,482	10,50,000	12,50,000	11,90,000	

XII.—Interest—

Class I.—Interest on advances to cultivators—					
On advances to cultivators under Land Improvement Loans Act	28,307	62,000	1,05,000	1,64,000	Revised based on the outstanding mean balances. Budget based on the amount of interest due next year on the existing loans, and on the probable amount of advances estimated to be made in that year.
On advances to cultivators under Agriculturists' Loans Act, XII of 1884	22,641				
On loans to Co-operative Credit Societies	50				
„ *II.*—Interest on advances under Special Loans—					
On drainage and embankment advances	5,191	68,000	55,000	58,000	
„ *III.*—Interest on loans to land-holders, etc. ..	5,813	16,000	16,000	16,000	
„ *IV.*—Interest on loans to Municipal and other public Corporations (excluding Presidency Corporation)	1,41,779	1,55,000	1,55,000	1,96,000	
Interest on Government securities	9,714	7,000	7,000	7,000	
Miscellaneous—					
Interest on arrears of Public Works Cess	33,766	28,000	34,000	37,400	The sanctioned estimate for 1906-07 included interest on debentures of the Calcutta Police Superannuation Fund which it is in contemplation to dispose of and credit the proceeds to Provincial Revenues from which the pensions of constables will be paid.
Other items	4,551	20,000	12,000	8,000	
Interest on zamindari embankment recoveries, &c.					
Total Miscellaneous ...	3,874	3,000	2,000	2,600	
	40,891	51,000	48,000	48,000	Revised based on actuals.
Total ...	2,22,286	3,07,000	3,86,000	4,50,000	
Eastern Bengal	3,795	.....	.....	.....	
Grand Total ...	2,61,881	3,07,000	3,86,000	4,50,000	

XVIA.—Law and Justice—Courts of Law—

HEADS.	1905-1906.	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Sale-proceeds of unclaimed and escheated property	24,408	23,000	30,000	30,000	
Court-fees realised in cash	19,528	25,000	18,000	20,000	
General Fees, Fines and Forfeitures	4,77,279	4,75,000	4,92,000	4,89,000	
Pleadership Examination Fees	23,600	25,000	25,000	24,000	
Miscellaneous Fees and Fines	1,396	1,000	2,000	2,000	
Miscellaneous	15,099	11,000	13,000	15,000	
Total ...	5,61,310	5,60,000	5,80,000	5,80,000	Revised based on the actuals of the first 9 months. Budget follows the revised.
Eastern Bengal	1,37,066	.....	.....	.....	
GRAND TOTAL ...	6,98,376	5,60,000	5,80,000	5,80,000	

XVIB.—Jails—

Jails	21,363	20,000	22,000	21,000	
Jail Manufactures	11,98,266	12,30,000	12,08,000	12,30,000	
Total ...	12,19,629	12,50,000	12,30,000	12,51,000	Revised based on the actuals of ten months. Budget based on the normal receipts of the preceding three years.
Eastern Bengal	67,537	.....	.....	.....	
GRAD TOTAL ..	12,87,166	12,50,000	12,30,000	12,51,000	

XVII.—Police—

Police supplied to Municipal, Cantonment and Town Funds	2,000	.....	.....	....	Recoveries from Cantonments have ceased from 1st April 1905. Actuals represent arrears paid in 1905-06.
Police supplied to Public Departments, Private Companies and persons	29,385	26,000	28,000	30,000	
Presidency Police	61,536	1,10,000	78,000	80,000	Decrease in the revised is chiefly due to the transfer to Courts of Law of fines for the prevention of cruelty to animals and to smaller receipts from fees, fines and forfeitures
Recoveries on account of Village Police	448	1,000	1,000	1,000	
Fees, Fines and Forfeitures	27,880	25,000	25,000	25,000	
Superannuation receipts	12	.....	.....	.....	
Cash receipts under the Arms Act	126	... ..	.....	... .	
Miscellaneous	6,010	5,000	6,000	5,000	
Total ...	1,27,406	1,67,000	1,38,000	1,41,000	Revised based on the actuals of 12 months ending 31st December 1906
Eastern Bengal ...	6,228	.....	. .	..	
GRAND TOTAL ...	1,33,634	1,67,000	1,38,000	1,41,000	

XVIII.—Marine—

HEADS.	1905-1906.	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Sale-proceeds of vessels and stores	...	5,000	.....	1,000	
Registration and other fees	73,376	80,000	73,000	73,000	Based on actuals.
Pilotage receipts { Calcutta	13,41,015	14,80,000	13,77,000	14,11,000	
Pilotage receipts { Balasore	.....	100	.	100	
Lead-money for Volunteers	21,771	16,000	21,000	22,000	
Total Pilotage Receipts ..	13,62,786	14,96,100	13,98,000	14,33,100	
Miscellaneous —					
Reductions for mess-money	13,591	14,000	13,400	14,000	
Marine Survey	36,763	38,000	44,800	56,000	Estimate based on the size and number of vessels to be surveyed.
Overtime fees	7,886		7,900	8,000	
Miscellaneous receipts of the Shipping Office ..	5,227		6,200	5,500	Based on actuals.
Other items	5,039	12,900	4,400	4,500	
Fees for certificates of inland vessels under Act VI of 1884	80		300	.....	
Total Miscellaneous ...	68,516	70,900	77,000	82,000	
Total ...	15,04,378	16,50,000	15,48,000	15,96,000	
Eastern Bengal	13,906	.....	.....	.....	
GRAND TOTAL ...	15,18,284	16,50,000	15,48,000	15,96,000	

XIX.—Education—

Heads.	1905-1906. Actuals.	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	Remarks.
1	2	3	4	5	6
Fees, Government Colleges ... General ...	1,79,984	1,82,000	1,73,000	1,80,000	Budget based on actuals.
Professional ...	46,408	48,000	48,000	48,000	
Fees, Government Schools ... General ...	2,35,898	2,64,000	2,52,000	2,56,100	
Special ...	10,355	9,500	13,000	13,000	
Contributions from Native States, private persons and Municipalities	11,868	5,000	14,000	10,400	
Income from endowments	...	3,000	...	1,000	
Miscellaneous	78,281	1,27,000	55,000	85,500	Decrease in the revised is due to smaller receipts from rents of boarding houses and sale-proceeds of manufactured articles at the Sibpur Engineering College. Provision made in budget for increased receipts under boarding-houses, owing to the contemplated extension of the scheme to the Mufassal
Total ...	5,80,881	6,30,000	5,75,000	5,93,000	Revised based on the actuals of the first 9 months.
Eastern Bengal	77,603	.....	.....	.....	
Grand Total ...	6,58,484	6,30,000	5,75,000	5,93,000	

XX.—Medical—

Medical School and College fees	47,723	54,000	50,000	50,000	Estimate based on the average actuals of the past three years.
Hospital receipts (receipts from paying patients)	1,12,985	1,30,000	1,08,000	1,12,000	
Lunatic Asylum receipts	25,486	20,000	20,000	20,000	
Contributions (from Municipalities and private persons)	2,47,903	48,000	47,000	48,000	The actuals of 1905-06 include a special contribution of Rs 2,00,000 from the Hospital Port Dues Fund, Calcutta, towards the maintenance of the Presidency General Hospital.
Medicines sold to Civil Surgeons	6	... ...	... ...	....	
Miscellaneous	20,062	8,000	8,000	8,000	The actuals of 1905-06 include a rebate of Rs. 15,000 granted by the Calcutta Electric Supply Corporation Limited, on their charges for units of electricity consumed in the Presidency General Hospital.
Total ...	4,54,165	2,00,000	2,33,000	2,38,000	Revised based on nine months' actuals.
Eastern Bengal	3,034	...			
Grand Total .	4,57,199	2,60,000	2,33,000	2,38,000	

XXI.—Scientific and other Minor Departments—

	Rs.	Rs.	Rs.	Rs	
Botanical and other public garden receipts	2,106	3,000	2,000	2,000	Based on actuals.
Veterinary and stallion receipts	26,763	25,000	27,000	27,000	
Cinchona plantation	2,12,949	2,35,000	2,20,000	2,26,000	
Receipts on account of experimental cultivation ..	1,457	2,000	2,000	4,000	Estimate represents sale proceeds of seeds and implements from Central Seeds Stores, from Cuttack farm and from District Garden, Sambalpur.
Immigration fees	27,968	27,000	43,000	40,000	Estimate based on the actuals of 12 months ending 30th September 1906
Examination fees	719	1,000	2,000	1,000	
Miscellaneous	1	... ..	.....	...	
Total ...	2,71,963	2,94,000	2,96,000	3,00,000	Revised based on the actuals of 12 months ending December 1906.
Eastern Bengal	372	.....	.....	.....	
Grand Total ...	2,72,340	2,94,000	2,96,000	3,00,000	

XXII.—Receipts in aid of Superannuation—

HEADS.	1905-1906.	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
Family subscriptions of Native members of the Covenanted Civil Service ...	1,290	1,000	2,000	1,000	
Contributions for pensions and gratuities—					
Contributions of officers lent to foreign service of the first and second kind	34,210	35,600	40,000	35,000	Based on actual demands as per Registers in the Accountant-General's office.
Contributions of persons employed in the establishment for the management of private estates under Act X of 1892 ...	7,754	8,400		8,000	
Annuity deductions of Covenanted Civilians lent to Native States, &c., for short terms ...	980	... ...	... ..	.. ...	
Refund of Gratuities	189	...	... ..	.. ...	
Deductions for Marine Pension Fund	12,114	12,000	12,000	12,000	
Miscellaneous	31,706	..	.....	.....	The actuals represent the cash balance of the Police Superannuation Fund standing in March 1906.
Contribution of Assistant Surgeons, &c., lent to Municipalities (suspense)	—2,220	.....	.....	.....	
Total ...	86,029	57,000	60,000	56,000	
Eastern Bengal	5,402	.. ...	.....	... ..	
GRAND TOTAL ..	91,431	57,000	60,000	56,000	

XXIII.—Stationery and Printing—

Stationery receipts	518	1,000	2,000	1,000	
Sales of Gazettes and other publications	94,119	88,200	83,000	95,645	Budget based on actuals.
Other gross receipts	28,591	39,800	37,000	33,355	Decrease in revised is chiefly due to smaller recoveries of value of printing work done for Local Funds in the Secretariat Press
Total ...	1,23,228	1,29,000	1,22,000	1,30,000	
Eastern Bengal	8,789	.....		.....	
GRAND TOTAL	1,32,017	1,29,000	1,22,000	1,30,000	

XXV.—Miscellaneous—

Unclaimed deposits	3,66,363	3,71,000	3,86,000	3,85,000	Both the revised and the budget are based on the amounts likely to lapse to Government.
Treasure-trove	111	.....	...	.....	
Sale-proceeds of Puribar presents	1,074	3,000	2,000	3,000	Based on actuals.
Sale of old stores and materials	1,833	6,000	2,000	2,000	
Sale of lands and houses, etc. ...	218	... ..	7,000	.....	
Fees for Government audits (of Municipal and Excluded Local Funds)	48,734	51,000	47,000	46,000	Based on actual demands.
Rents	18,903	20,000	20,000	20,000	
Miscellaneous fees, fines and forfeitures	2,739	5,000	3,000	3,000	
Contributions	26,879	26,000	28,000	26,000	Based on actual demands.
Miscellaneous—					
Fees and fines of Revenue Courts	55,382	50,000	50,000	55,000	
Recoveries of Law charges other than those in pauper suits	14,123	20,000	15,000	15,000	
Value of mathematical stores returned	1,341	500		500	
Sundry receipts : Circuit-house ...	182	500	1,000	500	
Miscellaneous receipts on account of Public Works Cess under Act IX of 1880 (B C.) ..	14		500	.....	
Miscellaneous receipts on account of Government management of Wards' estates	15	...	... .	... ..	
Sale-proceeds of trees on tea-lands	748	.. ..	.. ..	.. ...	
Sale of elephants	39	2,000	2,000	5,000	
Other items	25,913	21,000	24,500	21,000	
Total Miscellaneous ..	97,787	94,000	1,05,000	1,00,000	
Total ...	5,04,502	5,76,000	6,00,000	5,85,000	
Eastern Bengal	36,216	.....	.	...	
GRAND TOTAL ..	5,40,878	5,76,000	6,00,000	5,85,000	

XXIX.—Major Works—(Direct Receipts)—

	Rs.	Rs.	Rs	Rs.	
Orissa Canals	4,61,355	4,46,000	4,96,000	4,79,500	
Midnapore Canal	2,10,623	1,94,000	1,77,500	1,79,000	
Hijili Tidal Canal	70,448	52,000	74,000	67,000	
Sone Canals	13,96,628	13,80,000	14,64,500	14,65,000	
Dakha Canal	.. .	.....	8,000	5,500	This is a protective work provincialized from 1906-07 and is commencing to yield revenue.
Total ..	21,39,054	20,72,000	22,29,000	21,99,000	Increase in revised is due chiefly to an increased demand for water from the Orissa Canals and also to a larger area of kharif irrigation and larger receipts from navigation from the Sone Canals.

XX.—*Minor Works and Navigation—*

Heads.	1905-1906.	1906-1907.		1907-1908.	Remarks.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
In charge of the Civil Department.					
Recoveries on account of lands benefited by embankments	1,19,391	1,12,000	1,15,000	1,08,000	Estimate based on actual demand.
Recoveries on account of capitalized maintenance charges of the Rajapur drainage ...	2,769	14,000	2,000	2,000	Based on actuals.
Total in charge of the Civil Department ...	1,22,160	1,26,000	1,17,000	1,10,000	Revised based on 9 months actuals.
In charge of the Public Works Department.					
(Irrigation and Navigation Works.)					
Works for which Capital and Revenue accounts are kept—					
Orissa Coast Canal	30,690	32,000	32,000	32,000	
Saran Canals	777	1,000	900	1,000	
Calcutta and Eastern Canals	4,83,743	4,83,000	4,92,000	4,75,000	
Total ..	5,15,122	5,16,000	5,24,000	5,08,000	
Works for which only Revenue accounts are kept—					
Nadia Rivers	1,92,084	89,500	51,000	30,200	Decrease in revised is due partly to a reduction in the rate of toll on the Nadia rivers during the flood season and partly to a falling off in traffic owing to the shortness of rice in some districts.
Gaighatta and Buri Khal	4,500	4,500	3,000	3,000	
Total	1,97,184	94,000	54,000	33,200	
Works for which neither Capital nor Revenue accounts are kept—					
Eden Canal	22,164	23,000	20,600	20,400	
Tuar	320	1,000	3,000	2,400	
Sugarcane irrigation in Behar		5,000	2,000	. .	
Damodar project	1,200	..		. .	
Total ...	23,684	29,000	25,600	22,800	
Total Irrigation and Navigation Works ...	6,45,990	6,39,000	6,04,600	5,64,000	
(Agricultural Works.)					
Works for which neither Capital nor Revenue accounts are kept—					
Government embankments . ..	17,420	10,500	15,000	11,500	
Takavi embankments under contract .	4,435	6,000	5,500	5,500	
Total Agricultural Works ..	21,855	16,000	20,500	17,000	
Total in charge of the Public Works Department ..	6,67,845	6,55,000	6,25,000	5,81,000	
Grand Total	7,90,005	7,81,000	7,42,000	6,91,000	

XXXII.—*Civil Works—*

In charge of the Civil Department.					
Rents on ferries	1,80,903	1,80,000	1,87,000	1,88,000	
Cemetery receipts	2,054	1,000	2,000	2,000	
Receipts from staging bungalows and encamping grounds	8,633	8,000	8,000	8,000	
Miscellaneous contributions .	390	... ..		...	
Total ...	1,91,880	1,89,000	1,97,000	1,98,000	Revised based on nine months actuals.
Eastern Bengal	25,730	.....	... ..	.....	
Total in charge of the Civil Department	2,17,020	1,89,000	1,97,000	1,98,000	
In charge of the Public Works Department.					
Total gross receipts	2,25,868	2,64,000	3,05,000	2,75,000	Increase in the revised is chiefly due to larger profits from the Darjeeling-Himalayan Railway, and to the sale-proceeds of the buildings on the land acquired for the nurses quarters, Medical College.
Grand Total ..	4,43,488	4,53,000	5,02,000	4,73,000	

Contributions—

	Rs.	Rs.	Rs.	Rs.	
Bengal	43,620	2,70,000	2,71,000	2,67,000	Revised includes Rs. 2,17,000 being the balance of zamindary Dak Cess, and Budget Rs. 2,14,000 being the refund of the advance made for the Magrahat drainage.
Eastern Bengal	7,000	.....	.....	.....	
Grand Total ...	50,620	2,70,000	2,71,000	2,67,000	

APPENDIX B.

Bengal Provincial Expenditure, in detail, of minor heads.

(The figures in columns 4 and 5 are those accepted by the Government of India.)

The remarks in column 6, except when otherwise specially explained, refer to difference between columns 3 and 5. The figures in column 2 against Eastern Bengal represent the actuals of the first six months and-a-half in the districts transferred to Eastern Bengal and Assam.

1.—Refunds and Drawbacks—

HEADS.	1905-1906. Actuals	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Land Revenue	10,302	20,000	18,000	20,000	Provincial share is one-half from 1906-1907.
Stamps	70,502	62,000	75,000	75,000	
Excise	13,234	9,000	9,000	10,000	Ditto ditto.
Assessed Taxes	4,031	12,000	10,000	12,000	
Forest	292	1,500	1,000	1,000	
Provincial Rates	6,890	8,000	9,000	10,000	Wholly Provincial.
Registration	2,400	2,500	2,000	2,000	
Total ...	1,13,540	1,15,000	1,24,000	1,30,000	
Eastern Bengal	12,655	...	.....		
GRAND TOTAL ...	1,26,204	1,15,000	1,24,000	1,30,000	

2.—Assignments and Compensations —

Pension in lieu of resumed lands	270	3,000	3,000	2,000	Estimate based on actuals. Revised includes arrears of pension due to Nehal Singh and Sibnarayan Singh in the Damin-i-koh Settlement case for 1905-06.
Malikana	38,522	80,000	75,000	60,000	Estimate based on the average of past actuals.
Total ...	38,792	83,000	78,000	62,000	In 1905-6 the Provincial share was one-fourth, while from 1906-07 it is one-half.
Eastern Bengal	6,222	.....	.....	. ..	
GRAND TOTAL ..	45,014	83,000	78,000	62,000	

3.—Land Revenue—

Charges of District Administration— General Establishment	20,80,800	23,70,000	23,22,000	25,30,000	Decrease in revised is under salaries, and is due to the non-utilization of the full grant for additional Deputy Magistrates and their establishment. The budget includes a moiety of the total provision of Rs. 1,67,000 for additional Deputy Magistrates, the other moiety being shown under "Courts of Law". It also includes Rs. 90,000 and Rs. 55,000 for promotion of Deputy Collectors, and Sub-Deputy Collectors respectively. The whole cost of Kanungo establishment and their travelling allowances is also now provided for under this head instead of one-half as before. A provision of Rs. 50,000 has also been made for the cost in part of a steamer for the Commissioner of Sunderbans.
Subdivisional Establishment	93,980	98,000	1,12,000	1,02,000	
Partition Establishment	—2,524	—2,000	—2,000	—2,000	
Process-serving Establishment	1,25,436	1,32,000	1,35,000	1,38,000	
Record-room (or copy-making) Establishment ...	34,931	64,000	38,000	40,000	Decrease in the revised is due to the transfer of a portion of the grant to the offices of the Board of Revenue and the Commissioners of Divisions which is adjusted under General Administration. Budget includes Rs. 25,000 for non-recurring improvements against Rs. 50,000 provided in 1906-07.
Survey of Waste Lands	10,053	...	4,000	.....	
Management of Private Estates under Act X of 1892	22,619	28,000	25,000	29,000	
Lump provision for increase of pay of Ministerial Establishment	...	2,30,000	...	1,40,000	A portion of the increase has already been provided for under General Establishment.
				29,77,000	
Deduct—Probable savings ...	...		.....	1,78,000	
Total ..	23,76,358	29,20,000	26,34,000	27,99,000	
Charges on account of Land Revenue Collections ...	1,152	1,400	1,000	1,200	
Management of Government Estates— Collection of Revenue	2,04,468	2,08,000	2,23,000	4,66,000	Both the revised for 1906-07 and the budget for 1907-08 include Rs. 1,50,000 for Sundarbans reclamation against Rs. 1,00,000 provided for in the budget for 1906-07.
Outlay on improvements	2,71,616	2,09,000	2,52,000		
Total ...	4,76,084	4,17,000	4,75,000	4,66,000	

—*Land Revenue*—concluded.

Heads.	1906-1906. Actuals.	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	Remarks.
1	2	3	4	5	
	Rs.	Rs.	Rs.	Rs.	
rvey and Settlement—					
Controlling Office (survey)	7,350	.....	6,000	.....	
Other survey operations—					
Bengal Drawing Office	53,840	15,956	20,000	20,001	
Other operations	44,378	37,..31	30,000	24,307	
Minor settlement operations	65,831	48,056	72,000	40,000	
Other ditto	1,20,331	1,00,000	1,04,000	1,74,512	
		2,01,143	.....	2,79,820	
For rounding	.....	1,143	... .	30	
Total ...	2,91,430	2,00,000	2,40,000	2,79,800	
nd Records—					
Superintendence	63,300	27,000	28,000	28,000	
District charges	19,606	2,35,000	1,22,000	2,05,000	Decrease in the revised is due to the non-utilization of the full grant for bringing up the records-of-rights in Balasore and Cuttack. Budget includes Rs. 1,50,000 on this account against Rs. 1,81,000 provided for in 1906-07
Total ...	82,904	2,62,000	1,50,000	2,27,000	
Add for rounding ...		600	...	.....	
Grand Total ...	32,27,988	38,01,000	35,00,000	37,75,000	
Eastern Bengal	8,28,243	...	.. .	...	
Total ...	40,56,231	38,01,000	35,00,000	37,75,000	

—*Stamps*—

perintendence—					
istrict Establishment	7,084	7,000	10,000	9,000	
rges for the sale of general stamps—					
iscount on sale of one-anna stamps	13,727	...	7,000	7,400	Provision made for the share of discount on the estimated revenue.
Ditto Unified stamps	2,825	... .			
Ditto bills-of-exchange or hundies ...	4,507	4,000	5,000	5,000	
Ditto other general stamps	90,029	80,000	97,000	97,600	
Total ...	1,11,088	90,000	1,09,000	1,10,000	
rges on sale of court-fee stamps—					
iscount on sale of adhesive stamps	68,474	65,000	68,000	68,000	
Ditto stamps for copies	6,132	5,500	6,000	6,000	
stablishment for sale of stamps	1,288	1,248	1,000	1,404	
		71,748		75,404	
For rounding ...	.....	748	..	604	
Total ...	73,894	71,000	75,000	75,000	
ount on plain paper	11,441	12,000	12,000	12,000	
ip paper supplied from Central Stores	2,34,438	1,90,000	2,34,000	2,35,000	Estimate supplied by the Controller of Stamps.
Total ...	4,39,545	3,70,000	4,40,000	4,41,000	
Eastern Bengal	76,721	.....	...	.....	
Grand Total ...	5,15,266	3,70,000	4,40,000	4,41,000	
rincial share	2,57,633	1,85,000	2,20,000	2,20,000	

—*Excise*—

perintendence	73,032	87,000	77,000	93,000	Budget includes provision for an officer on special duty. Decrease in revised is under Supplies and Services.
idency Establishment—					
lcutta Collectorate (office)	61,947	61,608	63,000	62,508	
spection and Prevention	26,839	17,882	24,000	20,352	
lowances and Contingencies	23,929	27,010	23,000	20,140	Decrease in revised is for less payment of rewards.
rict Executive Establishment—					
dar Establishment	1,07,369	1,38,644	1,07,000	1,19,400	Decrease in revised is for the non-utilisation of the special provision for strengthening establishment. Budget includes provision for establishment for the extension of contract distillery system.
spection and Prevention	1,79,303	1,78,548	1,92,000	2,08,184	Increase due to an increase in the number of Inspectors and Sub-Inspectors and temporary establishments sanctioned.
lowances	1,05,191	1,05,450	1,22,000	1,22,528	Increase is for larger grant for travelling allowance and for the payment of compensation for dearness of provisions.
llaries—					
sidency Establishment	9,096	10,080	10,000	11,000	
strict Establishment	1,03,209	1,15,000	1,09,000	1,15,000	Saving in the revised is under Contingencies. Budget includes larger provision under Contingencies for the construction of small spirit depôts.
bable savings	.....	—6,672	.....	—8,092	
Total ...	6,89,745	7,33,000	7,26,000	7,70,000	
Eastern Bengal	75,155	.....	.....	.....	
Grand Total ...	7,64,900	7,32,800	7,26,000	7,70,000	
ncial share seven-sixteenths in 1905-06 and nall in 1906-07 and 1907-08	3,34,644	3,66,000	3,63,000	3,65,000	

8.—Provincial Rates—

HEADS.	1906-06.	1906-07.		1907-08.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Collection of Rates and Cesses	2,33,435	2,52,000	1,96,000	1,29,000	Decrease is for smaller process-serving and contingent charges.
Valuation and Revaluation	73,546	72,000	77,000	93,000	Estimate based on actual requirements.
Total ...	3,06,981	3,24,000	2,73,000	2,22,000	
Deduct—Proportion debitable to Local for cost of road-cess collection	2,03,342	1,68,000	1,31,000	86,000	
,, —Proportion debitable to Local for revaluation		48,000	51,000	62,000	
,, —One-third share of recoveries on account of collection of arrear cesses	39,618	40,000	35,000	40,000	
,, —Contribution for pension of the cess-collecting establishment	7,053	7,000	7,000	7,000	
	2,50,013	2,63,000	2,24,000	1,95,000	
Total ...	56,968	61,000	49,000	27,000	
Eastern Bengal	21,655	... ...	.....	.....	
GRAND TOTAL ...	78,623	61,000	49,000	27,000	

10.—Assessed Taxes—

Calcutta Establishment	79,381	85,000	87,000	87,000	Increase is under Assessing establishment for the introduction of the time-scale of pay of the Assessors.
District ,, ...	64,522	60,000	65,000	65,000	
Total	1,43,903	1,45,000	1,52,000	1,52,000	
Eastern Bengal	10,903	.....	...	... ...	
GRAND TOTAL ...	1,54,806	1,45,000	1,52,000	1,52,000	
Provincial share (one-fourth in 1905-06 and one-half in 1906-07 and 1907-08)	38,702	72,000	76,000	76,000	

11.—Forests—

A.—Conservancy and Works.					
I.—Timber and other produce removed from the forests by Government agency ...	47,393	58,000	34,200	24,800	Decrease is due to causes explained on the Receipt side.
II.—Timber and other produce removed from the forests by consumers and purchasers	87,286	84,200	83,700	88,200	Based on probable requirements.
III.—Confiscated drift and waif-wood	2,237	1,300	1,100	1,300	
V.—Rent of leased forests and payment to shareholders in forests managed by Government	.....	10,000	27,100	.....	Revised includes payment of 5 years' profits in the management of the Porahat Forests.
VI.—Live-stock, stores, tools and plant	4,212	27,700	20,300	26,700	Decrease in the revised is on account of the postponement of the construction of a launch. Provision made in the budget for a part of the cost of the launch.
VII.—Communications and buildings	71,862	78,600	75,800	89,000	
VIII.—Demarcation, improvement and extension of forests	40,010	92,800	1,40,600	2,24,900	Both the revised and the budget include larger grants for survey of the Sunderbans in Khulna.
IX.—Miscellaneous	3,538	6,400	7,200	4,100	Increase in the revised is on account of expenses for exhibits in the Calcutta Exhibition.
Deduct—Probable savings ...	.....	... ...	... ...	4,59,000 30,000	
Total A.—Conservancy and Works ...	2,56,538	3,59,000	3,90,000	4,29,000	
B.—Establishment.					
I.—Salaries	2,12,802	2,37,600	2,32,400	2,49,700	Budget includes Rs. 9,000 for the re-organisation of the Subordinate Forest establishment. Provision has also been made for 2 new officers expected to arrive from England.
II.—Travelling Allowances	36,095	40,800	40,200	38,000	
III.—Contingencies	10,973	12,600	12,400	13,300	
Total B.—Establishment ...	2,59,870	2,91,000	2,85,000	3,01,000	
Total A and B	5,16,408	6,50,000	6,75,000	7,30,000	
Eastern Bengal	77,101	.....	.....	.....	
GRAND TOTAL ...	5,93,509	6,50,000	6,75,000	7,30,000	
Provincial share (one-fourth in 1905-06 and one-half	1,48,377	3,25,000	3,37,500	3,65,000	

12.—Registration—

Heads.	1905-1906. Actuals.	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Superintendence	51,215	50,000	47,000	47,000	
District Charges—					
Calcutta	25,260	23,500	20,000	25,000	
Special Sub-Registrars	1,51,289	1,44,000	1,50,000	1,57,500	Budget includes a provision of Rs. 10,000 for increase of pay of clerks recommended by the Salaries Committee and increased grant for temporary establishment.
Rural Sub-Registrars	3,79,207	4,73,000	4,12,000	4,63,000	Budget includes Rs. 10,000 for office expenses and miscellaneous.
Ex-officio Sub-Registrars	1,369	1,500	2,000	1,500	
Total District charges ...	5,57,025	6,42,000	6,03,000	6,53,000	
Total ...	6,08,240	6,92,000	6,50,000	7,00,000	
Eastern Bengal ...	2,22,321	.....	...		
Grand Total ...	8,30,561	6,92,000	6,50,000	7,00,000	

13.—Interest on Ordinary Debt—

Interest on Provincial Advance and Loan Account	2,10,291	2,22,000	2,47,000	3,10,000	Based on the estimated mean outstanding balance of Loans carrying interest at 3½ per cent. per annum.

15.—Post office—

District Post Charges	1,905	.....	... ...	. ..	The actuals are for the district of Sambalpur. The charge is lapsed from 10.6.07.

18.—General Administration—

Salary of Lieutenant-Governor	90,030	96,000	1,03,000	96,000	Revised includes leave allowances.
Staff and household of Lieutenant-Governor	1,37,971	81,000	1,01,000	86,000	The actuals include special payment of Rs. 11,000 for Motor cars, Rs. 5,000 for Saloon carriage and Rs. 11,000 for expenses in connection with the Royal Visit. Budget includes Rs 6,000 for electric installation in His Honour's Saloon carriage.
Expenditure from contract allowance	61,146	40,000	50,000	50,000	Increase sanctioned by the Government of India.
Tour expenses	1,857	6,000	4,000	2,000	Reduced with reference to actuals.
Legislative Department	88,298	78,500	69,000	75,000	
Civil Secretariats	6,49,195	6,17,000	6,12,000	6,23,000	Budget includes provision for additional copying staff for copying old records for India Office.
Board of Revenue	3,15,048	3,01,000	3,15,000	3,01,000	
Salary of officers belonging to other Provinces last paid in Bengal	7,768	...	...	... ...	
Commissioners	5,22,491	4,61,000	5,12,000	5,03,000	Budget includes Rs. 80,000 for the revision of Chaukidari Panchayats, Rs. 25,000 for increase of pay of ministerial establishment against Rs. 20,000 provided for in the Budget for 1906-07 and increased grant for Ward's establishment and contingencies with reference to requirements.
Civil Officers of Account and Audit	49,004	50,000	51,000	53,000	Increase is for revision of establishment.
House allowance of officers in Calcutta	.....	...	16,000	50,000	Revised represents probable expenditure for four months.
Total ...	19,28,688	17,32,000	18,33,000	18,39,000	
Eastern Bengal ...	79,759	.....	.....	.....	
Grand Total ...	20,06,447	17,32,000	18,33,000	18,39,000	

19A.—Courts of Law—

HEADS.	1905-1906.	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
High Court—					
Judges	7,51,139	7,54,000	7,25,000	7,54,000	Decrease in revised is for savings in the salaries of Judges due to a post having remained vacant for a part of the year.
Original Side	2,63,932	2,66,000	2,82,000	2,73,000	Increase under establishment is for annual increments, etc.
Appellate Side	2,88,915	2,81,000	2,90,000	2,88,000	
Copyists' Establishment	42,937	54,000	50,000	44,000	The sanctiond estimate for 1906-07 included a special provision for short-hand writers which will not be required next year.
Reporters	24,864	25,000	25,000	25,000	
Total ...	13,71,787	13,80,000	13,72,000	13,83,000	
Law Officers—					
English Law Officers	1,08,499	99,000	1,01,000	99,000	
Legal Remembrancer and High Court Pleaders	92,400	87,000	88,000	92,000	Budget includes increase of pay of Deputy Superintendent.
Mufassal Establishment	1,38,371	1,44,000	1,83,000	1,47,000	Increase in revised is for larger payment of fees to Pleaders, both in Civil and Criminal suits. Budget based on the average of past actuals.
Total ...	3,39,270	3,30,000	3,72,000	3,38,000	
Coroner's Court	7,552	8,000	8,000	8,000	
Presidency Magistrates—					
Calcutta Police Court	96,952	96,000	1,04,000	1,10,000	Both the revised and the budget include provision for a temporary fourth Presidency Magistrate and his establishment.
Municipal Magistrates	3,427	.....	.....	.....	
Civil and Sessions Courts—					
District and Sessions Judges	8,56,073	8,77,843	8,74,000	8,40,995	
Subordinate Judge	4,25,996	4,40,493	4,44,000	4,51,101	Budget includes provision for an Additional Subordinate Judge for Sambalpur and additional establishments.
Mufassal Small Cause Court	17,560	13,440	18,000	14,052	
Munsifs	9,96,016	9,92,820	10,34,000	10,32,858	Budget includes provision for additional Munsifs and additional establishments.
Allowance	24,136	22,000	79,000	33,400	Revised includes payment of larger grain compensation allowance.
Supplies and Services	2,51,329	2,08,500	2,81,900	2,58,600	Increase in the revised is for larger payment of remuneration to copyists and allowances to Jurors.
Contingencies	85,916	87,235	93,000	1,02,358	Larger grants for contract contingencies and for cost of transmission of records provided for with reference to requirements.
Process-serving Establishment	4,14,572	4,33,841	4,40,000	4,48,298	Budget includes additional establishments for Darbhanga and Sambalpur.
Deduct—Probable savings ...	.....	1,14,172	.....	90,660	
Total ...	30,70,728	30,22,000	32,69,000	31,00,000	
Presidency Courts of Small Cause	1,62,295	1,71,000	1,69,000	1,60,000	
Criminal Courts—					
General Establishment	18,14,610	18,44,000	18,57,000	18,29,000	Decrease due to the imperialization of the charges for Cantonment Magistrates and their establishments with effect from April 1907.
Subdivisional Establishment	1,01,445	98,000	1,12,000	1,02,000	
Process-serving Establishment	90,099	88,000	90,000	92,000	
Tributary Mahals, Orissa	1,392	... ..	.....	... .	Transferred to Political.
Total ...	20,07,546	20,30,000	20,59,000	20,23,000	
Pleadership Examination charges	12,556	12,000	13,000	13,000	
Refunds	56,203	64,000	54,000	58,000	Budget based on actuals.
Lump provision for increase of pay of Ministerial Establishment	.....	2,17,000	.....	2,17,000	
Grain Compensation Allowance	.....	70,000	.....	... ..	Provided for under respective heads.
Total ...	71,28,326	74,00,000	74,20,000	74,19,000	Revised based on 9 months' actuals.
Eastern Bengal	16,24,528	.....	.....	.....	
GRAND TOTAL ...	87,52,854	74,00,000	74,20,000	74,19,000	

9B.—Jails—

Heads.	1905-1906. Actuals.	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Superintendence	57,429	54,000	62,000	60,000	Budget includes Rs. 6,000 for revision of Jail Code.
Establishments—					
Superintendents and Jailors	1,08,374	2,00,000	1,94,000	2,02,000	
Medical Establishment	25,523	29,000	29,000	29,000	
Clerical, Educational and Mechanical Establishments	302	400	300	400	
Warder Establishment	1,60,767	1,64,000	1,64,000	1,67,000	Increase is for establishment in Sambalpur Jail and Arambagh and Howrah Sub-Jails.
Menial and other Establishments	9,663	9,600	10,700	9,600	
Dietary Charges	5,11,565	4,68,000	6,30,000	5,12,000	Increase in the revised is for high prices of food-grains. Budget based on actuals of 1905-06.
Hospital Charges	65,010	78,000	68,000	66,000	Based on actuals.
Clothing and Bedding of Prisoners	83,971	70,000	90,000	70,000	Based on local requirements.
Sanitation Charges	32,105	38,000	28,000	34,000	Based on actuals.
Charges for moving prisoners	40,439	43,000	43,000	40,000	
Miscellaneous Services and Supplies	82,854	1,17,000	91,000	1,54,000	Budget includes provision for the acquisition of land for the Buxar and Gaya Jails and Giridi Sub-Jail, and also Rs. 16,500 for the improvement of watder service.
Allowances	9,360	9,000	27,000	12,000	Budget includes Rs. 2,000 for compensation for dearness of food grains. Increase in the revised is for the same cause.
Contingent Charges	31,798	34,000	33,000	32,000	
Extraordinary Charges for Live-stock and Tools and Plant	21,175	24,000	21,000	24,000	Based on actuals.
Charges for Police Custody	11,108	12,000	12,000	12,000	
Total Jails	13,47,537	13,50,000	15,03,000	14,08,000	
Jail Manufactures	11,02,083	9,20,000	10,00,000	10,00,000	
Refunds	14	1,000	1,000	1,000	
Total	24,50,334	22,71,000	25,10,000	24,09,000	Revised based on ten months actuals.
Eastern Bengal	2,96,793				
Grand Total	27,47,027	22,71,000	27,10,000	24,09,000	

10.—Police.

Presidency Police—	Rs.	Rs.	Rs.	Rs.	
Police Commissioner (Superintendence)	66,027	67,000	62,000	65,000	Budget provides for the salary of the Commissioner of Police at Rs. 1,000 per mensem, against Rs. 2,000 for 1906-07.
Calcutta Police	8,72,201	9,26,000	10,33,000	10,01,400	Increase both in the revised and in the budget is for re-organization. Increase in the number of Sub-Inspectors, Head Constables and Constables, and increased grant for allowances, supplies and contingencies. Revised includes larger grant for grain compensation allowance.
Lump provision for reorganization	.....	.....	.....	32,000	
River Police	20,749	8,800	21,000	10,650	Increased provision has been made for increased rents and repairs and hire of boats.
Salt Police	7,346	4,00	1,500	...	Abolished.
Police Dead-house	1,076	860	1,500	1,000	
Total	9,67,399	10,06,660	11,19,000	11,11,000	
Municipal Police	48,.65	44,000	50,000	50,000	Increase due to increase in the number of Sub Inspectors, Head Constables and Constables due to the re-organization scheme.
Cantonment Police	...	10,000		...	Included in District Police.
Superintendence	1,98,102	2,01,000	2,00,000	2,70,000	Budget includes provision for an additional Deputy Inspector-General and his establishment, for Criminal Investigation Department, and for local allowances and house allowances sanctioned in the reorganization scheme.
District Police Force—					
Salaries	3,60,375	3,90,000	4,55,000	4,90,000	Increase due to the increase in the number of officers for giving gradual effect to the reorganization scheme.
Police Force	27,54,398	27,80,000	31,47,000	30,84,000	Provision made for increased number of Inspectors Sub-Inspectors, Head Constables and Constables.
Training Schools	1,12,299	94,000	1,18,000	1,15,000	Provision for increased charges for training schools for constables.
Establishment	1,03,952	1,20,000	1,06,000	1,20,000	
Hospital charges	37,044	36,7..	30,000	37,000	
Allowances	3,34,203	3,58,000	5,29,000	3,81,000	Increased grant for increase in the number of officers and for new allowances under the reorganization scheme.
Supplies and Services	4,20,368	3,91,000	5,16,000	4,12,000	Increased provision made for compensation for land to be taken up, for cost of escorts, clothing, and petty construction.
Contingencies	1,33,294	2,06,000	1,60,000	2,63,000	
Other Police	30,689	25,000	25,000	20,000	
Lump provision for reorganization	.....	4,00,000	.....	3,68,000	
Total	48,60,540	47,00,700	51,93,000	52,94,000	
Village Police	48,411	51,000	63,000	50,000	
Criminal Investigation Department	.....	.....	84,000	.....	Provided for under Superintendence.

20.—Police— concld.

HEADS.	1905-1906.	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Special Police—					
Sikkim State Police	2,919	.....	... ..	.....	
Bengal Military Police	52,107	58,000	50,000	58,000	
Frontier Police, Chittagong	2,840	.....	... ...	... ..	
Ditto, Angul	38,485	.....	.....	.....	
Upper Burma Police Depôt	4,862	5,000	5,000	5,000	
Total ...	91,222	63,000	55,000	63,000	
Railway Police—					
East Indian Railway Police	59,324	68,000	60,000	79,000	Budget includes provision for increased strength of Police force, and for house allowances and local allowances sanctioned under the reorganization scheme.
Eastern System Railway Police	89,836	1,15,000	1,20,000	1,24,000	
Assam-Bengal Railway Police	1,040	.....	.....	.....	
Bengal and North-Western and Tirhut State Railway Police	11,490	16,000	8,000	18,000	Increase due to the increase in the number of Head Constables, Constables and chowkidars, and grant of local allowances.
Bengal-Nagpur Railway Police	14,694	18,000	15,000	25,000	Budget includes increased strength of Police force, and grant for house allowances and local allowances.
Cooch Behar Police	..	500	.....	600	
Bengal Central Railway Police	1,773	...	.....	.....	
Total ...	1,78,157	2,17,500	2,03,000	2,46,600	
Cattle-pounds	433	1,000	1,000	500	
Refunds	4,845	12,200	5,000	4,900	
Total ..	58,02,674	63,07,000	68,80,000	71,00,000	
Eastern Bengal	9,21,444	.. ...	.....	...	
GRAND TOTAL ...	68,14,118	63,07,000	68,80,000	71,00,000	

21.—Marine—

Salaries and allowances of Officers and Men afloat ...	91,698	70,000	78,000	75,000	
Victualling of Officers and Men afloat	23,612	24,000	23,000	20,000	
Purchase of marine stores and coal for the building, repairs and outfit of ships and vessels	1,58,1251	1,23,000	1,71,000	1,23,000	
Purchase and hire of ships and vessels	73,335	20,000	3,000	4,33,000	Budget includes 4 lakhs as part cost of a 2nd steam cruiser and a part of the cost of the new steam launch which is under construction to replace the Engineer and Shipwright Surveyor's Launch *Florence*.
Pilotage and Pilot establishment	7,68,814	6,87,500	7,88,000	7,40,000	Increase in revised is under earnings and allowances of Pilots.
Marine establishment	95,735	1,03,000	1,03,000	1,12,000	Budget includes provision for a 3rd Surveyor for the Survey of steam vessels in the port of Calcutta.
Subsidies to Steam-boat Companies	18,750	20,000	20,000	20,000	
Miscellaneous	27,686	28,500	32,000	28,000	
State Yacht establishment	5,603	6,100	6,000	6,000	
Refunds	7,915	6,000	4,000	7,400	Based on actuals.
Total ...	12,70,369	10,97,000	12,28,000	15,71,000	
Eastern Bengal	11,938	.....	....	... .	Revised based on 10 months' actuals.
GRAND TOTAL ...	12,82,007	10,97,000	12,28,000	15,71,000	

22.—Education—

University	67,149	60,000	61,000	60,000	
Direction	97,515	91,300	1,07,000	1,00,000	Budget includes provision for larger establishment and contingencies. The increase in the revised is for an officer on special duty and larger expenditure under Establishment.
Inspection—					
Inspector of European Schools	19,808	13,000	25,000	11,700	Decrease due to the appointment of an officer on lower pay.
Inspectors of other schools	2,70,331	4,11,000	3,90,000	4,02,800	Budget includes provision for a Deputy Inspector for Sambalpur, for local allowance of a Deputy Inspectress, and for three Inspectresses with their establishments, and contingencies.
Inspector of Hostels and students' messes ...	.....	3,500	.....	3,500	
Total ...	3,90,788	4,35,300	4,30,000	4,78,000	

22.—*Education*—concld.

Heads.	1905-1906. Actuals.	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Government Colleges, General—					
English Colleges—					
Arts Colleges	3,37,169	3,74,000	3,41,000	4,31,000	Decrease in the revised is for savings under Salaries and Establishment, and in the grant for Supplies and Services. Budget includes Rs. 46,000 for improvements in the Presidency College.
Eden Hindu Hostel	34,128	33,000	39,000	34,100	
Bethune College	39,381	40,300	40,000	42,000	
Oriental Colleges—					
Sanskrit College	38,853	41,000	30,000	30,000	Decrease in the revised is for savings under Salaries.
Calcutta Madrassa	54,423	55,000	49,000	50,000	
Elliott Madrassa Hostel	4,192	4,074	2,500	4,050	
Grant for Patna College Scheme ...		1,00,000	.....		
Expenditure on petty construction and repairs...	1,486	...		...	
Expenditure on furniture and apparatus ...	17,406	21,500	.....	19,850	
		6,69,474			
For rounding ..	....	474	...	....	
Total ...	5,27,038	6,69,000	5,03,000	5,17,000	
Government Colleges, Professional—					
Law Colleges	4,517	4,000	4,000	4,700	
Civil Engineering College, Sibpur, Howrah ...	2,23,811	2,74,000	2,43,000	3,02,800	Budget includes provision for an office Superintendent, an Assistant Professor of Drawing, and Assistant to the Professor of Mining. Provision has also been made of Rs 28,362 for a class of Industrial Chemistry, of Rs. 1,140 for a class for Motor-car driver artizans. Decrease in revised is for savings under Salaries and Establishment.
Expenditure on furniture and apparatus	1,500	13,000	4,000	4,000	
Provision for starting Training Colleges at Hooghly and Bhagalpur	...		.....	14,500	Provision made for officers who have come from England
		2,01,000			
For rounding ..	...	500	.....	.. ..	
Total ..	2,29,928	2,01,000	2,51,000	3,26,000	
Government Schools, General	5,07,223	5,80,000	5,43,000	5,81,000	The savings in revised are for non-utilization of the special provision for an additional female school.
Government Schools, Special	3,44,848	4,75,000	3,99,000	6,05,000	Decrease in revised is for savings in the grant for Calcutta School of Art, Government Art Gallery and the non-utilization of the grant of Rs. 75,000 for Training Colleges at Hooghly and Bhagalpur. Budget includes Rs. 21,375 for Maktab scheme, Rs. 2,78,352 for training institutes for Primary School teachers, against Rs. 96,000 provided in 1906-07 Rs. 97,000 for *guru* training school buildings, and Rs. 7,000 for *guru* training school in the Tributary Mahals Orissa.
Grants-in-aid	8,18,535	7,80,000	11,14,000	8,55,000	Increase in the revised is for larger payments of grants-in-aid to local colleges and schools, schools for Europeans and Eurasians and primary schools and educational buildings Budget includes Rs 7,10,100 for normal grants, Rs 80,000 for grants to private colleges, and Rs 65,000 for European schools
Scholarships	1,40,499	1,65,000	1,50,000	1,70,000	Decrease in the revised is for the non-utilization of special items. Budget follows the sanctioned estimate for 1906-07 with a small addition for normal increase
Miscellaneous	94,731	1,25,000	1,17,000	1,29,000	Decrease in revised is under rents of boarding houses while budget includes Rs. 2,700 for printing the catalogue of Arabic and Persian manuscripts
Refund	21,882	5,000	5,000	5,597	
Lump provision for Primary Education, including additional Sub-Inspecting Agency and for junior inspectresses, etc.	.....	2,97,200	.....	4,94,207	Includes one lakh added for improvement of primary education.
Lump provision for Technical Education	.....	1,35,000	.....	35,000	Sanctioned estimate for 1906-07 includes one lakh for initial expenditure.
Lump provision for grain compensation allowance ...	.....	5,000	... ...	.....	The charge has been distributed to the several heads.
Reorganisation of the salaries of officers of the Education Department	.....	.....	2,11,000	1,41,200	The amount was not distributed to the several heads, as the budget was framed before orders were passed by Government on the scheme.
				46,37,007	
Deduct—Probable savings ...	.....	.....	.....	3,41,000	
Total ...	41,62,646	43,02,000	38,99,000	42,96,007	
Extra Bengal	5,13,516	.....	.....	.....	
GRAND TOTAL ...	46,81,162	43,02,000	38,99,000	42,96,007	

24.—Medical—

HEADS.	1905-1906.	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Medical Establishment—					
Superintendence	80,015	80,400	73,000	69,000	Decrease in the revised is due to the non-utilization of the provision for regrant of savings of contract contingencies.
District Medical Establishment	5,24,396	4,76,000	5,16,000	5,10,000	Increase in the revised is under Salaries. Budget includes Rs 10,000 for the improvement of pay and position of Civil Hospital Assistants. Otherwise it is based on the actual number of officers and the pay drawn by them.
Reserve Medical Officers and Subordinates ..	20,009	20,000	16,000	20,000	
Total ...	6,24,423	5,76,400	6,05,000	5,99,000	
Hospitals and Dispensaries—					
Presidency Hospitals and Dispensaries—					
Medical College Hospital	1,67,624	1,85,000	2,05,000	2,15,000	Increase is partly for increase in the number of Assistant House Surgeons, for increased charges for diet on account of revised scale, for increased charges for Medical Stores and European stores. Increase in revised is partly under Salaries and partly under Supplies and Services and Contingencies.
General Hospital	2,18,555	2,20,000	2,23,000	2,35,000	Increased provision has been made for diet of patients on account of high prices with reference to actuals. Decrease in the revised is under Supplies and Services.
Campbell Hospital	79,112	1,00,000	95,000	98,000	Decrease in the revised is for savings in the grants for Salaries, and Establishment.
Albert Victor Asylum for Lepers	20,101	19,200	22,000	22,800	Increased provision has been made for diet of patients
Mufassal Hospitals and Dispensaries	18,797	68,000	72,000	73,000	Increased provision has been made for increase in establishment.
Grants to Mufassal Hospitals and Dispensaries	2,27,078	1,19,400	1,11,000	1,25,200	The saving in the revised is for the non-utilization of the special provision for grants to Leper Asylums.
Total ...	7,31,267	7,21,500	7,28,000	7,69,000	
Sanitation and Vaccination	1,80,404	2,46,000	2,24,000	2,21,000	Decrease is due to the omission of the provision for expert Sanitary Engineer for Septic Tank Installation, to the transfer of the charges for the collection of sanitary statistics to Minor Departments, and to the reduction of the grant for fees for the inspection of vessels with reference to actuals.
Grants for Medical purposes—					
Expenses during the prevalence of plague .	1,00,003	90,000	1,00,000	90,000	Budget grant for 1906-07 repeated in 1907-08.
Establishment for working Clayton apparatus in the Port of Calcutta ...	.....	.....	.....	20,000	
Expenses during the prevalence of epidemics .	5,081	2,000	5,000	6,000	Based on actuals.
Expenses in connection with cholera inoculation	128	..	.....	.....	
Value of medical stores	25,660	9,000	17,500	18,000	
Exchange compensation allowances .	315	..	500	.....	
Total Grants for medical purposes ...	1,31,087	1,01,000	1,23,000	1,34,000	
Medical Schools and Colleges—					
Medical College	2,30,947	2,45,400	2,26,000	2,39,000	Pay of the Police Surgeon transferred to Police Budget. Decrease in the revised is for savings in the grant for Salaries and Supplies and Services.
Medical Schools	1,21,703	1,17,400	1,17,000	1,23,000	Budget includes pay of a teacher of Surgery, Cuttack Medical School, which was formerly provided for under Mufassal Hospitals and Dispensaries, and for allowance to the teachers of Medical Jurisprudence, Campbell Medical School.
Total ...	3,52,650	3,62,800	3,43,000	3,62,000	
Lunatic Asylum	1,06,180	1,09,700	1,22,000	1,22,000	Increase both in revised and in budget is due to the appointment of a whole-time Superintendent of the Berhampur Lunatic Asylum and for increased grant for diet.
Special Hospital	9,825	12,900	10,000	11,000	
Chemical Examiner	30,917	32,000	37,000	43,000	Decrease is due to the omission of the special provision for a Probationer Examiner.
Refunds	1,963	1,700	2,000	2,000	
Grain compensation allowance	.....	5,000	.....	.....	
Total ...	21,74,075	21,89,800	21,94,000	22,63,000	
Eastern Bengal	1,66,427	.....	.....	.....	
GRAND TOTAL ...	23,40,502	21,89,800	21,94,000	22,63,000	

—Political—

Heads.	1906-1906.	1906-1907.		1907-1908	Remarks.
	Actuals.	Sanctioned estimate.	Revised	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs	Rs	
Political Agents ...	.....	.	20,000	36,000	This is for the Political Agent, Orissa Feudatory States, and his establishment and contingencies
Entertainment of Envoys and Chiefs ...	2,476	*80		100	
Durbar presents and allowances to Vakils, etc. ...	4,721	5,800	3,000	3,900	Based on actuals.
Miscellaneous	5,437	4,000	4,000	5,000	
Total	12,637	10,000	27,000	45,000	Revised based on ten months' actuals.
Eastern Bengal	227				
Grand Total ...	12,864	10,000	27,000	45,000	

26.—Scientific and other Minor Departments—

Collection of sanitary statistics	.....	.....	.....	8,600	
Veterinary and Stallion Charges	99,545	1,30,000	1,16,000	1,42,000	Decrease in revised is due to the grant for the introduction of the Glanders and Farcy Act not being fully utilized. Budget includes larger provision for establishment and allowances.
Imperial Institute	.....	500	.....	400	
Donations to Scientific Societies	8,000	8,000	33,000	8,000	Revised includes a grant of Rs 25,000 to the Dalhousie Institute.
Experimental Cultivation	3,54,102	4,00,000	2,85,000	4,15,700	Decrease in the revised is due chiefly to the provision of Rs. 75,000 for the initial cost of a new farm not being fully utilized and to the non-utilization of the provision of Rs. 50,000 for the Pusa Cattle-breeding Farm. Budget includes Rs. 3,000 for increase in clerical staff and contingencies in the Director's office, Rs. 12,000 for a staff of expert borers for irrigation purposes, Rs. 15,000 for a Home farm, Rs. 9,000 for distribution of agricultural literature, against Rs. 4,000 provided for in the budget for 1906-07, and also for Assistant Professors of the Agricultural College.
Cinchona Plantation	2,40,109	2,26,000	2,55,000	2,28,000	
Public Exhibitions and Fairs	3,035	3,500	13,000	3,500	Revised includes grants for the Calcutta Industrial Exhibition.
Botanical and other Public Gardens	1,32,512	1,41,000	1,19,000	1,61,800	Budget includes Rs. 9,960 for the appointment of a Superintendent and Assistant Superintendent for the Zoological Garden and Rs. 2,000 for the cost of new gates to the conservatory and water tanks and for piping for the irrigation of nursery in the Royal Botanic Gardens.
Emigration	25,524	24,000	23,000	24,000	
Inspector of Factories	24,360	32,000	25,000	30,000	Budget includes provision for a Medical Inspector and an Assistant Inspector.
Census	1,235	1,700	2,000	1,500	
Gazetteer and Statistical Memoirs	16,448	22,000	17,000	16,000	
Registration of Railway Traffic	7,732	9,000	8,000	9,000	Based on actuals.
Registration of River-borne Traffic	4,535	3,100	3,000	7,000	
Provincial Statistics	21,099	24,000	26,000	30,500	Budget includes larger grant for establishment for the creation of new posts, and for increased grant for petty construction and repairs.
Preservation and translation of ancient manuscripts	6,200	6,000	6,000	7,000	
Examinations	1,051	6,500	1,000	1,500	
Inspector of Mines	456	.....	.....	.....	
Bacteriology	10,155	10,000	10,000	10,600	
Registrar of Co-operative Credit Societies	19,343	28,000	17,000	28,000	
Miscellaneous	250	.....	.....	.....	
Refunds	90	100	.....	.....	
Smoke nuisance charges	.....	.....	.....	23,000	
				11,67,000	
Deduct—Probable savings ...	.....	.....	.....	97,000	
Total ...	9,72,843	10,76,800	9,79,000	10,80,000	
Eastern Bengal	4,348	.....	.....	.....	
Grand Total ...	9,77,891	10,76,800	9,79,000	10,80,000	

29.—Superannuation—

HEADS.	1905-1906. Actuals.	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	REMARKS.
1	2	3	4	5	6
Superannuation and Retired allowances	Rs. 23,41,229	Rs. 24,81,000	Rs. 24,20,000	Rs. 25,17,000	Increased provision made to meet the annual growth of expenditure as well as to meet the pensions of the Calcutta Police Constables payable in Bengal formerly paid from the Police Superannuation Fund, and for pensions hitherto paid from the District Post Fund now abolished.
Compassionate allowances	13,647	15,000	15,000	15,000	Based on actuals.
Gratuities	7,373	9,000	9,000	9,000	
Marine Department pensions	30,269	32,000	30,000	30,000	
Refunds	42	.....	.....	.....	
Total ...	23,92,560	25,37,000	24,74,000	25,71,000	Revised based on the actuals of nine months.
Eastern Bengal	2,29,090	.....	.....	.....	
GRAND TOTAL ..	26,21,650	25,37,000	24,74,000	25,71,000	

30.—Stationery and Printing—

Stationery Office at the Presidency	56,107	71,000	61,000	65,000	Decrease in the revised is for the non utilization of the full provision for revision of establishment.
Ditto purchased in the country	37,283	43,000	35,000	38,000	Increase in the revised is for larger expenditure in the Secretariat Press, chiefly under Piece-hand establishment and partly under Supplies and Services. Budget also includes larger grants for Piece-hand establishment and cost of European stores.
Government Presses	3,74,198	4,13,000	4,48,000	4,70,000	
Printing at Private Presses	1,070	1,000	1,000	1,000	Estimate of the Controller of Stationery.
Stationery supplied from Central Stores	6,00,890	5,00,000	5,85,000	5,85,000	
Refunds	440	1,000	1,000	1,000	
Total ...	10,78,997	10,29,000	11,31,000	11,60,000	Revised based on nine months' actuals.
Eastern Bengal	8,949	.....	.....	.....	
GRAND TOTAL ...	10,87,946	10,29,000	11,31,000	11,60,000	

32.—Miscellaneous—

Khedda charges	17,075	9,000	14,000	17,000	The charges for Angul Khedda operations estimated for according to requirements.
Travelling allowances to officers attending examinations	5,532	5,000	6,000	6,000	Based on actuals.
Subscription to periodicals	.....	5,000	.....	.....	
Reward for proficiency in Oriental languages, and allowance to Language Examination Committee...	9,950	12,000	12,000	21,000	Budget includes Rs. 10,000 on account of donations payable to the officers of the Indian Educational Service for passing Examinations in Oriental languages.
Cost of books and publications	1,100	1,000	1,000	1,000	Budget includes larger grant to the Hospital Nurses Institution and a grant Rs. 1,000 to the Society for Protection of Children in India.
Donations for charitable purposes	1,51,977	1,29,000	1,48,000	1,60,000	
Charges on account of European vagrants	9,939	7,000	8,000	9,000	Based on past actuals.
Rewards for destruction of wild animals	6,501	6,000	6,000	7,000	Based on actuals, and with reference to the increase in the scale of rewards.
Petty establishments	21,374	17,000	17,000	18,000	Larger provision made for establishment and purchase of furniture for Circuit-houses.
Special Commissions of Enquiry	31,370	26,000	87,000	60,000	Budget includes Rs. 50,000 for Fisheries enquiry, and Rs. 10,000 for unforeseen requirements. Revised includes charges for Damage Committee and charges for Fisheries enquiry.
Irrecoverable temporary loans written off	5,218	8,000	3,000	8,000	Based on actuals.
Rents, Rates, and Taxes	29,122	30,000	35,000	35,000	
Contributions	23,269	6,000	2,000	6,000	The grants for 1906-07 reproduced in the budget to meet probable requirements.
Miscellaneous and unforeseen charges	19,163	7,000	3,000	7,000	
Miscellaneous refunds	4,192	9,000	4,000	9,000	
Extraordinary item	47	.....	.....	.....	
Total ...	3,46,929	2,77,000	3,43,000	3,70,000	Revised based on ten months' actuals.
Eastern Bengal	14,940	.....	.....	.....	
GRAND TOTAL ...	3,61,869	2,77,000	3,43,000	3,70,000	

40.—Railway Revenue Account—Subsidized Company's land.

Land charges of the Bengal Provincial Railway ...	21	.....	.....	1,000	

41.—Irrigation—Major Works—(Working Expenses)—

Heads.	1905-1906. Actuals.	1906-1907. Sanctioned estimate.	1906-1907. Revised.	1907-1908. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Orissa Canals	3,53,817	3,28,000	3,59,000	3,48,000	
Midnapore Canal	1,42,981	1,44,000	1,56,650	1,54,000	
Hijili Tidal Canals	45,518	52,000	52,859	41,000	
Sone Canal	4,75,823	5,53,000	5,89,973	5,56,400	Increase in revised is for special repairs necessary on account of injury done to a weir from floods.
Dhaka Canal	.....	.....	2,000	3,600	
			11,60,482		
Deduct—For rounding ...			482		
Total ...	10,18,139	10,75,000	11,60,000	11,04,000	

42.—Irrigation—Major Works—(Interest on Debt)—

Interest	24,51,959	24,52,000	24,52,000	24,52,000

43.—Minor Works and Navigation—

IN CHARGE OF CIVIL DEPARTMENT.					
Embankments under the contract system—					
Establishments	4,989	5,704	10,000	5,854	
Contingencies	862	910		847	
Maintenance charges of the Howrah and Rajapur drainages	4,307	3,276		3,276	
Refunds	57	.....		.....	
Add—For rounding ...	...	112		48	
Total in charge of the Civil Department ...	9,905	10,000	10,000	10,000	
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.					
IRRIGATION AND NAVIGATION WORKS.					
Works for which Capital and Revenue Accounts are kept.					
CAPITAL.					
Works in Progress.					
Orissa Canals	18,923	40,500	33,600	30,700	
Midnapore Canal	6,262	20,000	2,000	11,300	
Sone Canals	2,410	4,500	6,100	.....	
Calcutta and Eastern Canals	5,76,349	4,50,000	4,86,000	3,27,000	The budget grant for 1906-1907 is for a suction dredger. Revised includes Rs. 4,00,000, while the estimate for 1907-08 includes Rs 27,000 for the same. The budget for 1907-08, also includes Rs 3,00,000 for a Canal to connect the Bhangoro Canal with the Calcutta Canal.
Hijili Canals	939	.....			
Total Capital	6,04,819	5,30,000	5,27,700	3,69,000	
REVENUE.					
Orissa Coast Canal	62,074	91,000	1,09,928	77,000	
Hijili Canals	3,740	5,100	3,462	4,000	
Calcutta and Eastern Canals	3,60,790	3,94,000	3,70,000	3,55,000	
Total Revenue ...	4,26,604	4,90,100	4,83,390	4,36,000	
Total Works for which Capital and Revenue accounts are kept	10,31,413	9,30,100	10,21,026	8,05,000	
Works for which only Revenue Accounts are kept.					
WORKS IN PROGRESS.					
Sadia Rivers	1,25,352	1,18,700	1,35,500	1,30,200	
Singhatta and Buxi Khals	1,057	2,900	1,200	2,800	
Total Works for which only Revenue accounts are kept	1,26,409	1,21,600	1,36,700	1,33,000	
Works for which neither Capital nor Revenue Accounts are kept.					
WORKS IN PROGRESS.					
Eden Canal	34,297	37,300	33,700	36,500	
Sonar Canal	2,233	4,000	4,283	2,500	
Improvement of Navigable channels—Ganges river	47,973	.....	17,000	.....	
Sugarcane irrigation by pumping at Otter	23,003	40,000	7,654	.....	
Total Works for which neither Capital nor Revenue accounts are kept ...	1,07,506	81,300	62,637	34,000	
Total Irrigation and Navigation Works ...	12,65,328	11,33,000	12,20,363	9,72,000	

42.—Minor Works and Navigation—concluded.

HEADS.	1905-1906.	1906-1907.		1907-1908.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
AGRICULTURAL AND DRAINAGE WORKS.					
Works for which neither Capital nor Revenue Accounts are kept.					
WORKS IN PROGRESS.					
Government embankments ... ... Midnapore Takavi embankments under contract ... Gandak Takavi embankments under contract ...	6,02,665	10,26,330	8,38,254	8,00,000	The budget for 1906-07, included Rs. 1,40,000 for the Magra Hat drainage, which is now adjusted under Minor Works—*Local*, and hence no provision has been made for this in the revised estimate under Provincial.
Total Agricultural ..	6,02,665	10,26,330	8,38,254	8,00,000	
Reserve	.....	25,670	13,383	1,28,000	
Total in charge of the Public Works Department ..	21,57,993	31,85,000	20,72,000	19,00,000	

45.—Civil Works—

IN CHARGE OF THE CIVIL DEPARTMENT.					
Ferry charges	4,831	9,132	5,500	7,152	Based on requirements.
,, refunds	26,305	30,000	25,000	28,000	
Staging bungalows	6,394	8,448	7,000	7,728	
Encamping grounds	535	568	508	574	
Contributions in aid of Excluded Local Funds and Municipalities	1,32,459	8,10,000	1,95,000	7,55,000	Revised based on actual requirements. Budget includes larger grants to Municipalities for Water-supply, Drainage and Sanitary improvements
Reserve for buildings, &c.	.....	2,73,000	51,955	3,000	Revised includes Rs. 3,000 for Angul water-supply and Rs. 49,955 for overbridge at the Benares Road level crossing at Howrah. Budget is for Angul water-supply.
For rounding ...	.....	—1,148	—23	—454	
Total ...	1,70,524	11,80,000	2,95,000	8,00,000	
Eastern Bengal	2,269	.....	.....	.....	
Total in charge of the Civil Department ...	1,72,793	11,80,000	2,95,000	8,00,000	
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.					
Original Works.					
Civil Buildings ... ... { In progress ... / Not commenced ...	33,47,854	28,77,500 / 17,54,200	40,59,000	20,84,900 / 18,76,013	
Communications ... ... { In progress ... / Not commenced ...	3,00,622	1,55,000 / 30,000	1,70,500	2,40,000 / 2,08,500	
Miscellaneous Public Improvements. { In progress ... / Not commenced ...	4,01,334	3,700 / 49,000	82,400	..... / 91,000	
Total ...	40,49,810	48,80,300	43,11,900	45,00,413	
Repairs.					
Civil Buildings	4,52,809	4,70,000	4,70,000	5,00,000	
Communications	7,53,245	9,15,000	9,06,000	9,51,000	
Miscellaneous Public Improvements	59,160	1,15,000	1,15,000	1,00,000	
Total ...	12,65,274	15,00,000	14,91,000	15,51,000	
Establishment	9,21,616	9,22,923	8,17,500	8,80,587	
Tools and Plant	55,407	41,775	86,500	68,000	
Stock and Suspense	—13,480	.....	.....	.....	
Total in charge of Public Works Department ...	62,78,627	73,25,000	67,07,000	70,00,000	
GRAND TOTAL ...	64,51,420	84,55,000	70,02,000	78,00,000	

[*Statement by President.*]

Contributions from Provincial to Local.

Heads.	Actuals, 1905-1906.	Sanctioned Estimate, 1906-1907.	Revised, 1906-1907.	Budget, 1907-1908.	Remarks
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Land Revenue	38,000	14,000	10,000	10,000	
Provincial Rates	.....	1,000	1,000	2,000	
Education	3,000	2,000	43,000	2,000	Revised includes grants for Primary School buildings in Darbhanga and Sambalpur.
Police	... ...	.....	1,000	.....	
Irrigation—Minor Works	.....	...	4,40,000	.....	This is for Magra Hát drainage adjusted under Local.
Medical	29,000	5,000	6,000	13,000	
Scientific and other Minor Departments	6,000	7,000	6,000	7,000	
Civil Works	14,94,000	4,80,000	13,08,000	11,81,000	Both revised and budget include nine lakhs, the additional assignment equal to one-fourth of the Road Cess receipts. This was included under grants to establish equilibrium in the estimates for 1906-1907.
Miscellaneous	1,000	10,000	.....	.....	
Grant to establish equilibrium ...	7,16,000	14,45,000	5,96,000	5,96,000	
Reserve	.....	... ...	15,000	2,00,000	
Total ...	23,77,000	19,10,000	23,23,000	20,10,000	
Eastern Bengal	5,65,000	.....	.....	.....	
Grand Total ...	28,42,000	19,10,000	23,23,000	20,10,000	

STATEMENT BY PRESIDENT.

The Hon'ble the President said :— "As has already been stated by the Hon'ble Mr. McIntosh, the Budget discussion will take place on the 6th of April. The Local Self-Government Bill will come on for discussion on Monday, the 8th April. The Council will now adjourn to meet on Tuesday, the 2nd April."

The Council was then adjourned to Tuesday, the 2nd April, 1907.

Calcutta ;
The 6th April, 1907.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. B. Press—2-4-1907—12930—300—H. K.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of **Bengal**, *assembled under the provisions of the Indian Councils Acts, 1861 and 1892.*

The Council met in the Council Chamber on Tuesday, the 2nd April, 1907, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. E. A. GAIT, C.I.E.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU JOGENDRA NATH MUKHARJI, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. W. T. SPINK.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble RAJA BAN BIHARI KAPUR, C.S.I.

The Hon'ble RAJA PEARY MOHAN MUKHARJI, C.S.I.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

NEW MEMBER.

The Hon'ble MR. GAIT, C.I.E., took his seat in Council.

[*Babu Radha Charan Pal; Mr. McIntosh; Babu Kali Pada Ghosh.*]

QUESTIONS AND ANSWERS.

RE-ASSESSMENT IN HOWRAH.

The Hon'ble BABU RADHA CHARAN PAL asked :—

Has the attention of the Government been drawn to the articles headed "Howrah Rate-payers and the Assessments" and "Howrah Municipal Methods" which appeared in the "Statesman" of the 23rd and the 26th March, respectively, to the report of the proceedings of the Protest Meeting, held at Sibpur, which appeared in the issue of the *Bengali* of the 27th March, and to the correspondence regarding Howrah Municipal Assessment in its issue of the 28th instant, and also to the editorial remarks on the same subject in the *Statesman* of the 28th March? If so, does the Government propose to make any inquiry as to the alleged illegality and oppressiveness of the recent re-valuation of the Town of Howrah?

The Hon'ble MR. MCINTOSH replied :—

"Government has no reason to suppose that the re-assessment has been made otherwise than in accordance with law. It is open to any assessee who is dissatisfied with his assessment to apply to the Municipal Commissioners for a review."

MUNICIPAL TAXES IN HOWRAH.

The Hon'ble BABU RADHA CHARAN PAL said :—

In view of the fact that Howrah is already the most heavily-taxed Mufassal Municipality in Bengal as admitted in the last Report on Municipal Administration, the rate per head being stated therein as Rs. 3-8-3, which works up to about Rs. 36 per head of the rateable population, will the Government be pleased to take any steps to prevent further increase of taxation in that Municipality?

The Hon'ble MR. MCINTOSH replied :—

"It rests with the Municipal Authorities to levy their rates and taxes in accordance with law."

RE-VALUATION OF HOLDINGS IN HOWRAH.

The Hon'ble BABU RADHA CHARAN PAL asked :—

Will the Government be pleased to lay on the table a statement showing the previous valuation and the present re-valuation of each of the holdings situated within the limits of the Howrah Municipality?

The Hon'ble MR. MCINTOSH replied :—

"The valuation lists are open to inspection in the office of the Municipal Commissioners."

SALARIES OF MINISTERIAL OFFICERS.

The Hon'ble BABU KALI PADA GHOSH asked :—

Will the Government be pleased to state when effect will be given to the scheme for improvement of salaries of ministerial officers, which has been deferred for a long time and has in consequence retarded the grant of relief to these hard-worked officers?

The Hon'ble MR. MCINTOSH replied :—

"The details of the scheme are still under consideration. The Hon'ble Member is perhaps aware that a provisional increase of pay in the shape of personal allowances has already been sanctioned for a large number of officers pending the elaboration of the final scheme."

[*Babu Kali Pada Ghosh.*]

EDUCATIONAL SERVICE.

The Hon'ble Babu Kali Pada Ghosh asked:—

Is the Government aware that the recent re-organization of the Educational Service, which has benefited to some extent the officers of the Upper Subordinate Service and for which the country feels immensely grateful, has yet failed to give relief to the very large class of useful officers who have constituted what is called the Lower Subordinate Service and in whose case the relief was all the more needed, and if so, will it kindly take early steps to better their position, especially in view of the desirability recently expressed by the Government of India that the lowest salary of a teacher employed in a Secondary School should be at least Rs. 40 month?

In connection with the above question, will the Government be pleased to take into consideration the following points:—

(*a*) Instances are numerous to show that, so far as these hard-worked but poorly-paid officers are concerned, the re-organization, instead of removing, has rather created discontent, the result having fallen far short of the expectations raised at first. The very grading of this branch of the service with the annual increment of only one rupee a month, in all classes but one, is the most discouraging, and the number of appointments in the senior classes being disproportionately low, many officers find themselves just where they were years ago, in spite of the re-organization, with hardly any prospect in the near future to cheer them up.

(*b*) Under existing arrangements, an officer entering on Rs. 15, and this sum hardly suffices in the present age to support one man, may expect to draw Rs. 45 after full 30 years' service, assuming that his promotion is uninterrupted, though that is by no means the case, the maximum of a grade being the halting station in the upward march for many a weary year. As an example of the disappointing character of the present scheme, I may point out that an officer, who has been working since 1883, and who rose long before the re-organization to Rs. 20 a month, is now in the Rs. 15-1-20 grade, and that pretty low down the list, so that it will yet take him two to three years to rise to the next higher grade and then stop there for another year to draw his first annual increment of Re. 1. There are, I believe, many such cases on the list.

(*c*) Again, officers who were getting Rs. 30 a month before the re-organization, *plus* Rs. 3 as grain compensation allowance, so kindly granted by Government, have been deprived of the latter, simply by virtue of their being placed under the new scheme in Class II (Rs. 30—1—35) of the Lower Subordinate Service and entitled to get an increment of Re. 1 a month on that account. In their case, therefore, the intended blessing has only proved a curse, causing an actual loss of Rs. 2 a month in these hard times.

(*d*) A state of things like this is sure to give rise to a spirit of disinclination to work, and calls for early remedy. In whatever shape the remedy is to come, it may be urged, it would cost an extra expenditure. But considering the importance of the matter, a lakh or so would be a sum well spent in this direction, at a time when Government is finding huge amounts for re-duplicating the inspecting agency, the necessity for which is open to question.

(*e*) If progressive salaries are absolutely necessary, and there is no reason why they should be so, when the Provincial and the Upper Subordinate Services can do without them, the minimum pay and the periodical increment should at any rate be raised to such an extent as may afford adequate relief to these qualified officers, most of whom are graduates or undergraduates of the University.

[*Mr. Gait; Babu Kali Pada Ghosh; Mr. McIntosh; Babu Jogendra Nath Mukharji.*].

The Hon'ble MR. GAIT replied :—

"The Hon'ble Member's question is in a more argumentative form than is authorized by rule. But the Government has no objection to reply to it.

"The question of the re-organization of the Lower Subordinate Educational Service will come under consideration in connexion with the proposals made by the Government of India in regard to Secondary Education and the Director will be asked to submit his proposals on this subject when reporting on the letter of the Government of India.

"The Director will also be asked to consider the cases referred to in paragraph (*c*) of the question; and if he finds that hardship has occurred in any cases to submit separate proposals in regard to them, pending submission of his general report."

DRUNKENNESS IN RANCHI.

The Hon'ble BABU KALI PADA GHOSH said :—

I have the honour to invite the attention of the Government to a memorial on the subject of excessive drunkenness in the district of Ranchi which was adopted at a meeting of some of the representative people in the district presided over by the Bishop of Chota Nagpur and submitted to Government through the Deputy Commissioner of the district in the beginning of January last?

Will the Government be pleased to state if any inquiry has been instituted in the matter and any steps taken to check the excessive growth of drunkenness in the said district?

The Hon'ble MR. MCINTOSH replied :—

"The memorial has been submitted to Government by the Commissioner and will receive most careful consideration. The prevalence of drunkenness in the district is admitted, and both the local officers and Government are anxious to take whatever steps are possible and right to check it."

CIVIL JUSTICE IN THE SONTHAL PARGANAS.

The Hon'ble BABU JOGENDRA NATH MUKHARJI asked:—

Does the High Court exercise any powers of superintendence over the Civil Work of the Sub-divisional Officers in the Sonthal Parganas and do the Administration Reports issued by the High Court deal with the Civil Work of such Sub-divisional Officers?

The Hon'ble Mr. GAIT replied :—

"(*a*) Under section 8 of the Sonthal Parganas Justice Regulation No. V of 1893, the Local Government may appoint any Sub-divisional Officer to exercise the powers of a Subordinate Judge and Sub-divisional Officers are ordinarily invested with such powers.

"These Courts are established under the Bengal, North-Western Provinces and Assam Civil Courts Act (XII of 1887), and section 10 of the Regulation gives the High Court power to hear appeals from such Courts.

"The High Court, however, has not a similar authority over the Courts of the Sub-divisional Officers established under section 2 of Act XXXVII of 1855.

"(*b*) The answer to the Hon'ble Member's second question is in the negative."

[*Mr. Carlyle; Babu Jogendra Chandra Ghose.*]

THE BENGAL TENANCY (AMENDMENT) BILL, 1906.

The Hon'ble MR. CARLYLE moved that the Report of the Select Committee on the Bill to amend and supplement the Bengal Tenancy Act, 1885, be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. CARLYLE also moved that the clauses of the Bill be considered in the form recommended by the Select Committee. He said:—

"The amendments to be proposed by me are substantially drafting amendments, to remove defects found in the drafting of the Bill since its presentation in the form recommended by the Select Committee. Their object is to put into their proper position in the Act new sections which it is proposed to insert, to improve the wording in some cases, and in other cases to make provision to prevent the clashing of the jurisdiction of Revenue and Civil Courts. None of the amendments in any way change or affect the principles of the Bill."

The motion was put and agreed to.

Clause 1.

The Hon'ble MR. CARLYLE also moved that sub-clause (*2*) of clause 1 be omitted as being unnecessary. He said:—

"I have been advised that, as a matter of drafting, the sub-clause is quite unnecessary, and I therefore propose that it should be omitted."

The motion was put and agreed to.

Section 3 of Act VIII of 1885.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, withdrew the motion standing in his name, that in clause (*9*) of section 3 of the Bengal Tenancy Act, 1885, after the word "raiyat" the words "or held under the entire body of landlords or under some of them under a separate contract" be inserted.

Clauses 5 and 6.

The Hon'ble MR. CARLYLE moved that sub-clause (*3*) of clause 5 be omitted, and for clause 6 the following be substituted, namely:—

"6. After section 18 of the said Act, the following shall be inserted, namely:—

"CHAPTER IVA.

"PROVISIONS AS TO TRANSFERS OF TENURES AND HOLDINGS AND LANDLORDS' FEES.

Saving as to statements in instruments of transfer where landlord not party.

"18A. Nothing contained in any instrument of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, amount or fixity of rent, area, transferability or any incident of any tenure or holding referred to in such instrument.

Saving as to acceptance of landlord's fees.

"18B. The acceptance by a landlord of any landlord's fee payable under Chapter III or Chapter IV in respect of any tenure or holding shall not operate—

(*a*) as an admission as to the permanence, amount or fixity of rent, area, transferability or any incident of such tenure or holding, or

(*b*) as an express consent under section 88 to the division of such tenure or holding or to the distribution of the rent payable in respect thereof.

"18C. All landlords' fees paid under Chapter III or Chapter IV, which are held in deposit on or after the commencement of the Bengal Tenancy (Amendment) Act, 1907, may, unless accepted or claimed by the landlord within three years from such commencement or from the date of the service of the notice prescribed in section 12, section 13 or section 15 (as the case may be), whichever is later, be forfeited to the Government."

Forfeiture of unclaimed landlords' fees

He said:—"This is a purely drafting amendment, and it puts the section in a somewhat improved form."

The motion was put and agreed to.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, withdrew the motion, standing in his name, that the new sub-section (*4*) to be added to section 12 of the Act by sub-clause (*3*) of clause 5 of the Bill be omitted.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE then moved that the following be added to the proposed new section 18A, namely:—"except as provided by section 13 of the Indian Evidence Act, 1872." He said:—

"The proposed new section reads as follows:—

'(*4*) Nothing contained in any deed of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, amount or fixity of rent, specification of area, transferability or any incident of any tenure or holding referred to in such deed.'

"I do not think that it was intended by the framer of this section that they should exclude thereby the operation of section 13 of the Evidence Act, which runs thus:—

'13. Where the question is as to the existence of any right or custom, the following facts are relevant—

(*a*) any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence;

(*b*) particular instances in which the right or custom was claimed, recognized, or exercized, or in which its exercise was disputed, asserted, or departed from.'

"There have been several cases in the Calcutta High Court, especially one reported in I. L. R., 24 Cal., page 426, and also in I. L. R., 23 Cal., in which the Judges say that where the question of the incidence attaching to a tenure by custom, such as transferability as in the case of a *Putrapautradik* grant arise, it can only be decided by having recourse to section 13 of the Evidence Act; and in another case, in 3 Weekly Notes, the Judges say what is necessary to establish a local usage is evidence of transfer by persons other than the landlord. Therefore, if the operation of section 13 is excluded by this new clause, it will be an act of very great hardship and it will exclude proof of custom by any person alleging it in case of a tenure."

The Hon'ble MR. CARLYLE said:—"I must oppose the amendment moved by the Hon'ble Babu Jogendra Chandra Ghose. The object of the Select Committee was precisely what he has supposed it was not. We did intend to exclude the operation of section 13 of the Evidence Act. It is very doubtful, as the law now stands, whether section 13 of the Evidence Act has any bearing in the case at all. If it has, we desire to exclude it. The whole mischief of the present state of things has arisen from the fact that zamindars are unwilling to accept fees for fear lest their acceptance will be held as a bar to their denying afterwards the transferability of the tenure or other incidents mentioned in a deed."

The motion was put and lost.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE also, by leave of the Council, withdrew the following motion standing in his name namely:—

"That to the new section 17A, to be inserted by clause 6 of the Bill, the following be added, namely:—

'But in no suit or proceeding between the parties, shall the landlord be entitled to deny the validity of the transfer without returning to the transferee the amount received by him as fees.'

[*Babu Jogendra Chandra Ghose; Babu Kali Pada Ghosh; Babu Jogendra Nath Mukharji; Babu Radha Charan Pal; Babu Bhupendra Nath Basu*]

"That to the new section 17B, in the same clause, for the words 'be declared to be forfeited to the Government', the words 'shall be returned to the person who paid them after deducting the cost that may be incurred in doing so', be substituted."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE then moved that in the new section 17B, after the word "Government" the following words be added: "and it shall be assigned by the Government to the District Board Fund." He said:—

"I wanted to move that the words 'be declared forfeited to Government' be omitted, and to substitute the words 'shall be returned to the person who paid them, after deducting the cost that may be incurred in doing so'; but, having regard to the opinion of my other hon'ble colleagues, I have decided not to press it, though I must say that, in strict justice, Government has no right to the fees thus deposited. They do not belong to Government, and Government has no right to them. But, probably, it would be to the best interests of the country that instead of Government taking the fees it assigned them to the District Board Fund. Why I say that they should be assigned to the District Board Fund is this: that it is a fund by which the person depositing the fees may directly benefit; Government has no right to take his money and to spend it for the benefit of a District other than the district in which he lives. Therefore, I humbly submit that this money, to which Government has no right, should be assigned by Government for the benefit of the district in which the person depositing it lives."

The Hon'ble BABU KALI PADA GHOSH said:—"I beg to support the amendment. The Hon'ble Raja Ban Bihari Kapur last year in his Budget speech alluded to this matter He urged that all the fees which may lapse to Government might be utilized in such things as excavating tanks, etc. I think if I remember right that was exactly what the Hon'ble Raja Ban Bihari Kapur said last year, and I agree that the purpose for which these fees ought to be spent by Government is for some such purpose, and the best thing to do is to make over such fees to the District Board."

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"I also beg to support this motion. The principle of taxation that has been followed, so far as I can gather, is this: that where people of a certain locality are specially benefited by certain local measures they should pay more than those who are not so benefited; in other words, the general revenue should not be devoted to purely local purposes as much as possible. If that be the principle of taxation, which has been largely adopted by the Government, I think it is entirely consistent with that principle to adopt this amendment; because in that case the people of the locality, who make the contribution, will be benefited more by this money than if it lapsed into and thus formed part of the general coffers of the State. I, therefore, think the principle embodied in this amendment is sound and Government should give effect to it."

The Hon'ble BABU RADHA CHARAN PAL said:—"I believe the amendment that has been moved by the Hon'ble Babu Jogendra Chandra Ghose represents the wish of the community to which we belong. It has been said over and over again in this Council, as well as in Government Resolutions, that the funds at the disposal of the District Boards are inadequate to the requirements of the district. Here, Sir, a certain sum of money will be in the hands of Government which will come from the people of the district, and which does not belong to Government, and it is but fair that this money should be devoted for the purposes of the improvement of the district. I am sure, having regard to the express desire of Government and the willingness with which Government helped the District Boards, that this amendment will be accepted by the Hon'ble Member in charge of the Bill; and this is a matter in which the opinion of the community, I venture to submit, should receive consideration."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"I also support this amendment. I believe that under the law, as it will stand after this Bill, there

[*Babu Bhupendra Nath Basu; Mr. Carlyle; Babu Jogendra Chandra Ghose.*]

will not be much surplus left in this connection. The funds which will lapse to Government will be very small indeed, for the principal difficulty in the way of the landlords receiving these moneys will be removed. Having regard, therefore, to the smallness of the amount and to the fact that the people who pay these sums ought, if possible, to be the first claimants upon any use that may be made of these fees, it is but right and proper that the fund should be so applied as to render it more useful or available to those who pay it. I do not suppose Government is anxious to get hold of this small sum of money, and I do not anticipate there will be any difficulty in making over this money to the District Board Fund. In the Select Committee, we had before us the opinions of various bodies and most of the local public who were consulted, and their opinions supported this proposal that the money should be made over to the District Board Fund, and I hope that the Official Members of Council will also support this amendment. It means no loss to Government and not much trouble to adjust the accounts, whether it is made over to Government or to the District Board; and I am absolutely certain Government is not anxious to utilize this revenue for its own purpose."

The Hon'ble MR. CARLYLE said:—"I regret I must oppose this amendment, which has been supported by several of the Indian Members of Council. My chief reason is, that it might wreck the Bill, as we have not received the sanction of the Government of India, and I doubt if we are authorized to introduce such an amendment at this stage. As the Hon'ble Babu Bhupendra Nath Basu has observed, the income from these unclaimed fees will probably be very small in the future, and it seems hardly worth while to risk the Bill for such a small point."

The motion being put, the Council divided:—

Ayes 7.	*Noes 11.*
The Hon'ble Babu Jogendra Nath Mukharji.	The Hon'ble Mr. Stacke.
The Hon'ble Babu Bhupendra Nath Basu.	The Hon'ble Mr. Gupta.
The Hon'ble Mr. Spink.	The Hon'ble Mr. Collin.
The Hon'ble Babu Radha Charan Pal.	The Hon'ble Mr. Carlyle.
The Hon'ble Mr. Bertram.	The Hon'ble Mr. Inglis.
The Hon'ble Babu Kali Pada Ghosh.	The Hon'ble Mr. Gait.
The Hon'ble Babu Jogendra Chandra Ghose.	The Hon'ble Mr. McIntosh.
	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.
	The Hon'ble Raja Ban Bihari Kapur.
	The Hon'ble Raja Peary Mohan Mukharji.

So the amendment was lost.

Clause 7.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE also moved that for the proposed sub section (*2*) to be inserted in section 19, by clause 7 of the Bill, the following be substituted, namely:—

"The exclusion of any area from the operation of the Act under sub-section (*3*) of section 1 shall not affect any right, obligation or liability previously acquired, incurred or accrued with regard to any land affected by such exclusion."

He said:—"This amendment is a mere verbal one. I propose to make the sub-section shorter."

The Hon'ble MR. CARLYLE said:—"I must oppose the amendment proposed by the Hon'ble Member. The wording of this clause has been carefully considered, and I would ask the Council to accept the clause as now drafted. It is not at all certain that the effect of the amendment proposed by the Hon'ble

ber would not be to forfeit rights previously acquired in Calcutta, in the
i not included in the town of Calcutta by notification under section 639 of
)alcutta Municipal Act."

The motion was put and lost.

Clause 8.

The Hon'ble MR. CARLYLE moved that in clause 8 of the Bill—

(*a*) in sub-clause (*a*), for the words "such landlord shall obtain thereby no right to hold the land as a tenant" there be substituted the words—

> "such person shall have no right to hold the land as a tenant, but shall hold it as a proprietor or permanent tenure-holder (as the case may be);"

(*b*) the proviso be omitted from clause (*b*).

He said:—"With regard to the first point, the object is merely nake the clause clearer than it now is. The amendment makes it clear a co-sharer landlord buying the holding will hold it as a proprietor, le a permanent tenure-holder will hold it as a permanent tenure-holding. s amendment also now covers the case, not generally provided for, where occupancy raiyat purchases the entire right as proprietor or permanent ire-holder of the estate or tenure in which the occupancy right exists. I point out the present section of the Act covers both cases, and that it merely due to an error in drafting that the Bill did not provide for both.

"As regards the second point, I move that the proviso be omitted, as on ;her consideration it seems to be unnecesary. There does not appear to be danger of a Court holding that the special incidents, attaching to a proprie- s private lands under Chapter XI, would apply to the lands dealt with by clause. It might also happen that the land acquired was actually prietor's private land, and there appears to be no reason why it should cease oe so."

The motion was put and agreed to.

Section 22.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, hdrew the following motions standing in his name, namely:—

"That sub-section (2) of section 22 of the Act be omitted.

"That, if the above amendment be lost, the words 'shall be deemed be a tenure-holder, or' and the words 'as the cases may be' be omitted im sub-clause (*b*) of clause 8 of the Bill."

Section 38.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, then moved that in sub-sec- n (1) of section 38 of the Act, after the words "suit for" the words "or im in defence to a suit for the recovery of rent" be inserted. He said:—

"The object of my amendment is this: it is doubtful whether a nant in a suit for rent can claim a reduction. Under the old law, he is so held to be entitled, and that was held in the cases of Mohesh *v.* Gunga- oni, 2 Hay., 495, and Gourkisore *v.* Bonomaly, 22 W. R., 117; but it is a atter of doubt whether, under the present Rent Law, a tenant in a suit for reat n plead a defence of the reduction of rent upon the grounds mentioned here. herefore, I submit that this should be made clear in the interests of the rayat. rthermore, these words should be added in the interests of the landlord. was only last Thursday that a Bench of the High Court held that, under s section, a tenant can make a defence, say when the suit is for rent, for bighas of land that for a year or two, temporarily, 5 bighas of the land had me uncultivable and get a reduction in that suit. It that be so, it ld be dangerous for the landlord; for, in every suit, the tenant could come in

and plead a deduction of rent upon any ground other than the grounds mentione in section 38. I do not believe the Legislature meant that an occupanc raiyat could make a defence for a reduction of rent upon grounds othe than those mentioned here. This is, therefore, a matter of very great impor ance, not only to the tenant but also to the landlord.

"I am sorry that the last decision of the High Court has not yet bee printed, nor could I get a copy, and I cannot therefore place it before th Council; but that was a case in which I was engaged, and I urged before th Judges that this was not the intention of the Legislature that a tenant shoul be able to plead a reduction of rent upon any ground other than the groun mentioned in section 38 in a suit for rent. They held that the tenant coul do so. I have given the Council an extreme case which the High Court hel to be good law.

"I humbly submit, therefore, that section 38 should be amended in th manner suggested by me, so as to give the tenant a right to plead reduction c rent in a rent suit without making him undergo the expense of a suit for ren under section 38; and also to safeguard the interests of the landlord in a su for rent, by precluding the tenant from pleading a defence which is nc contemplated by section 38."

The Hon'ble MR. CARLYLE said:—"I must oppose this amendment. Th hon'ble mover appears to suggest that a raiyat should be allowed to mix u two entirely different classes of cases in one suit. A suit for rent due ha nothing, so far as I can see, to do with a claim for alteration of rent, and it coul only lead to confusion and to prolonged litigation if the amendment wer accepted. It seems to me clear, under the present law, the rent, legally du cannot be altered till it has been reduced by agreement or by suit, and I thin to accept the amendment would be to introduce great confusion."

The motion was put and lost.

Clause 9.

The Hon'ble MR. CARLYLE moved that in sub-clause (*i*) of claus 9, for the words "or partly in cash and partly in one of these ways" th words "or partly in any of those ways and partly in cash" be substituted. H said:—

"This is a purely verbal amendment, which I hope the Council wi accept."

The motion was put and agreed to.

Clause 11.

The Hon'ble MR. CARLYLE also moved that in the new sub-section (*6*) o section 52 of the Act, in clause 11 of the Bill, for the words "or, where there i a corresponding entry of area in a counterfoil receipt, in any rent-roll" the word and brackets "or (where there is an entry of area in a counterfoil receipt corresponding to the entry in the rent-roll) in any rent-roll" be sub stituted. He said:—

"This is a purely verbal amendment, which seems to express the matte better than the words in the Bill as proposed to be amended by the Selec Committee."

The motion was put and agreed to.

Clause 16.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE moved that the proviso to be added to section 88, by clause 16 of the Bill, after the word "entry" the words "by the landlord or by his agent as above mentioned" be inserted, and that after the word "distributed" the words "or if the landlord or his agent

[*Babu Jogendra Chandra Ghose; Babu Kali Pada Ghosh; Babu Radha Charan Pal; Mr. Carlyle.*]

above mentioned has granted a receipt recognizing the division or distribution" be inserted. He said:—

"The object of this amendment is in consequence of a decision of a ll Bench of the High Court, which held that the granting of a receipt consent under section 88 of the Act. In order to avoid the effect of that all Bench decision, I propose that this amendment of the law be introduced. his may or may not do away with the effect of the Full Bench decision, but is intended to make the law stricter than at present. If it is intended at no consent, except it be the express consent of the landlord or of s agent duly authorized in this behalf, should be sufficient, how can it be said at an entry in a rent-roll by a *gomasta*, who is not an agent duly authorized this behalf, can be sufficient? It is simply making the law strict in one section and absolutely lax in the next section.

"In the absence of the words of my proposed amendment, an entry by y *gomasta* would bind the landlord; and, in the second place, if you make an ry in the rent-roll sufficient evidence of consent that is in favour of the nant, why should you not give effect to the opinion of the whole body of the dges of the High Court and make a receipt granted to the tenant evidence consent? I would simply add words to make it clear that if an agent, duly thorized in this behalf, grants a receipt to a tenant that should be considered a sufficient consent. Now, a tenant, when there is a proper division ognized by the landlord, can only produce a receipt that is in his power. erefore, to make a receipt inadmissible is to go against the tenant to an tent to which I am not prepared to go, and I humbly submit that this uncil should adopt the words of my amendment."

The Hon'ble BABU KALI PADA GHOSH said:—"I am in favour of this endment. When an entry in the rent-roll is to be made binding, it is irable that that entry should be made either by the landlord himself or by an horized agent in that behalf. To make an entry binding on the landlord is tainly an important matter, and in a matter of this kind, I submit, it is irable that the entry should be made by a responsible person and not by an linary *gomasta* or *amla*; and if such an entry is made by such a *gomasta* or *la*, without the knowledge of the landlord, then it ought not to be binding.

"As regards the second portion of the amendment, as to how far a receipt ich recognizes the division or distribution ought to be binding on the landlord, hink that where a division or distribution has been recognized by the dlord it ought to be binding upon him. It does not require any legal owledge to say that, as it is a very common-sense view."

The Hon'ble BABU RADHA CHARAN PAL said:—"I cannot support my end's amendment. The landlord is responsible for his rent-roll. It is his n rent-roll, and any entry made therein the landlord is responsible for. I not, therefore, understand why my hon'ble friend wants the additional words be inserted, which will place the raiyat at a great disadvantage. The rent- will be under the control of the landlord and any entry which is made re, whether by the landlord himself or by any of his *gomastas*, the landlord be resposible for that entry and ought to hold himself liable for any consences, good or bad, in which it might involve him. I do not, therefore, see reason why this further addition is required to be made to this proviso."

The Hon'ble MR. CARLYLE said:—"I must, on behalf of the Government, ose this amendment. The Bill, as now drafted, goes as far as it is right to go avour of the zamindars. The practical effect of the amendment would be to vent any mutations being binding as against a zamindar. Now, we know ; in many cases mutations are made and are recognized in practice for years, it is pretty certain that it would never be possible to show that an entry ; has been made in a rent-roll was so made by the landlord or by his agent norized in writing for the purpose. It appears to me that zamindars cannot e it both ways. If weight is to be attached to a rent-roll where it is in their our (*e.g.*, section 52 as now amended), they must be prepared to allow some ght to be attached to a rent-roll where it may tell against them. I may point

out the evidence is only presumptive. Probably no Court would attach much weight to one year's entry, but it would attach weight to entries made in previous years. This consideration is, I think, a sufficient answer to the objection that one man's consent however obtained would bind the landlord."

The motion being put, the Council divided:—

Ayes 4.	*Noes 12.*
The Hon'ble Babu Jogendra Chandra Ghose.	The Hon'ble Mr. Slacke.
The Hon'ble Raja Ban Bihari Kapur.	The Hon'ble Mr. Gupta.
The Hon'ble Raja Peary Mohan Mukharji.	The Hon'ble Mr. Collin.
The Hon'ble Babu Kali Pada Ghosh.	The Hon'ble Mr. Carlyle.
	The Hon'ble Mr. Inglis.
	The Hon'ble Mr. Gait.
	The Hon'ble Mr. McIntosh.
	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.
	The Hon'ble Babu Jogendra Nath Mukharji.
	The Hon'ble Babu Bhupendra Nath Basu.
	The Hon'ble Babu Radha Charan Pal.

So the amendment was lost.

Clause 17.

The Hon'ble MR. CARLYLE, by leave of the Council, moved that in sub-clause (*iii*) of clause (*a*) of sub-section (*2*) of section 101, to be inserted by sub-clause (*1*) of clause 17 of the Bill, before the words "a proportion" the words "a landlord or" be inserted. He said:—

"It has been suggested that the new sub-clause (*3 i*) as drafted, would not enable a single co-sharer owner of an 8-annas share in an estate to apply for a record-of-rights. In order to provide for this, I would ask the President's permission to move that the words 'a landlord or' be inserted at the beginning of the paragraph. It was an omission in the draft."

The motion was put and agreed to.

Clause 18.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, withdrew the following motions standing in his name, namely:—

"That in sub-clause (*2*) of clause 18 of the Bill, the words, figures and brackets 'and shall be deemed to have been so inserted from the commencement of the Bengal Tenancy (Amendment) Act, 1898,' be omitted.

"That if the above amendment be not carried, the following be added to section 102, namely:—'The provisions of clause (*gg*) shall be considered to have effect from the date when the Bengal Tenancy (Amendment) Act, 1898, came into force."

He said:—"These amendments are the same as those proposed by the Hon'ble Babu Kali Pada Ghosh, and I think I had better accept the wording of his amendment as stated in item 21 of the List of Business."

The Hon'ble BABU KALI PADA GHOSH moved that in section 102, in clause 18 of the Bill, the following proviso be added, namely:—

"Provided that in case of particulars as specified in sub-clauses (*i*) and (*ii*) of clause (*gg*) that may have been entered in the record-of-rights before the passing of the Bengal Tenancy (Amendment) Act, 1907, the party aggrieved by such entries shall have the same remedies as are provided in this Act as if the entries had been made on the date the Bengal Tenancy (Amendment) Act, 1907, comes into force."

He said:—"This amendment is made simply with the object of giving remedies to parties who may have been aggrieved by the wording in this

[*Babu Kali Pada Ghosh; Babu Jogendra Nath Mukharji; Raja Peary Mohan Mukharji; Mr. Carlyle.*]

clause. Practically, this clause gives retrospective effect to all entries that might have been made since the passing of the Amendment Act of 1898, but at the same time it gives no remedy by way of objection or appeal to any party who may be aggrieved by such entries. So I submit that my amendment is simply to give that remedy, and I hope it will be accepted. It may be said that if any entry that was made so far back as 1898, or even after that, the party ought to have appealed against those entries, and if they did not appeal, they cannot have their remedy; but my submission is, that the law, as it then stood, did not authorize any entry of the nature contemplated by sections 1 and 2, it did not authorize a Revenue-officer to make such entries, and if such entries were made they were *ultra vires*, and in the eye of the law the parties were not bound by such entries. Now, by this clause a party aggrieved by that entry ought to have a remedy either by objection or appeal. I think it is a fair amendment, and this right of appeal or objection ought not to be taken away by giving this section a retrospective effect."

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"I beg to support the amendment. In my experience, I have come across many cases where Settlement Officers have made an entry in what they call 'village notes', and the public were given to understand that those entries did not form part of the record. Now, I apprehend the effect of this legislation will be to legalize those notes. The public being under the impression that no procedure was necessary by way of objection or appeal, because those entries had no legal effect, did not take any action with reference to those entries, and I think, Sir, if these sections are meant to have retrospective effect those persons will be precluded without having been given a chance of contesting their claims; so that I think the amendment proposed is a very fair one, and I trust the Hon'ble Member in charge of the Bill will not find it difficult to accept it."

The Hon'ble RAJA PEARY MOHAN MUKHARJI said:—"I also support the amendment. Acts done without authority by Revenue-officers to confirm by subsequent enactment is always an exceptional proceeding, and it is the more objectionable in the present case as it deprives persons, the incidents relating to whose holdings have been entered in the record-of-rights and who should be deprived of the remedies against error which the law provides in other cases. So that it is clear that these persons would be greatly aggrieved and injured if no remedy is given to them of protesting against any of the entries against their interests, or should appeal to the authorities provided for in the Bill."

The Hon'ble MR. CARLYLE said:—"I have to explain why Government cannot accept this amendment. The history of the matter is this: One Advocate-General was of opinion that the rights and obligations of tenants as regards the use of water, etc., might be recorded under the Tenancy Act, as it now stands. Another Advocate-General has given a contrary opinion. It is, therefore, desirable that the matter should be placed beyond all doubt, but the Government does not admit that the records already prepared are illegal. Landlords and tenants in whose cases such records were prepared could have filed objections, and the only effect of the change proposed and accepted by the Select Committee is, to prevent the possibility of litigation on the subject of the validity of these records in future. The amendment would merely give an opportunity for vexatious litigation. The parties have been quite happy so far with a record-of-rights prepared, and it seems undesirable to encourage them now to enter into litigation. The 'village notes' are not part of the record, and this section does not affect or touch them. The entries were made in a regular record after full publication."

The Hon'ble BABU KALI PADA GHOSH in reply said:—"My object is certainly not to create vexatious litigation, as the Hon'ble Member in charge of the Bill is inclined to think, but it is simply to give a remedy which the party

aggrieved can fairily claim. It would have been very satisfactory if the Hon'ble Member could have seen his way to make the matter clear by accepting this amendment."

The motion being put, the Council divided:—

Ayes 8.	*Noes 9.*
The Hon'ble Babu Jogendra Nath Mukharji.	The Hon'ble Mr. Slacke.
The Hon'ble Babu Bhupendra Nath Basu.	The Hon'ble Mr. Gupta.
The Hon'ble Mr. Bertram.	The Hon'ble Mr. Collin.
The Hon'ble Babu Radha Charan Pal.	The Hon'ble Mr. Carlyle.
The Hon'ble Babu Jogendra Chandra Ghose.	The Hon'ble Mr. Inglis.
The Hon'ble Raja Ban Bihari Kapur.	The Hon'ble Mr. Gait.
The Hon'ble Raja Peary Mohan Mukharji.	The Hon'ble Mr. McIntosh.
The Hon'ble Babu Kali Pada Ghosh.	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.

So the amendment was lost.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE moved that in clause (*b*) of section 102 of the Act, after the word "tenure" the words "and if he is an occupancy raiyat, whether his holding is transferable by custom or not," be added. He said:—

"I find that the question whether the right of an occupancy raiyat is transferable by custom is very often a subject of litigation. A very large number of cases come up to the High Court upon this question, whether the right of an occupancy-raiyat is transferable by custom or not? Therefore, I would propose my amendment. It may be said that it might come under clause (8), special condition of incidents of the tenancy, but I found that in several record-of-rights cases that that entry had not been made. In a case in which I was personally interested I wanted the Revenue-officer to make an entry to that effect, and he did not. Therefore, I would humbly ask that it be made compulsory upon the Revenue-officer to make a record as to whether there is a custom of transferability in a village or not."

The Hon'ble MR. CARLYLE said:—"I have to oppose this amendment, and must confess I am rather surprised that it should have been moved by a member of the legal profession. He proposes that every Revenue-officer, preparing a record-of-rights, shall try a very large number of such questions regarding custom."

The motion being put, the Council divided:—

Ayes 4.	*Noes 12.*
The Hon'ble Babu Jogendra Nath Mukharji.	The Hon'ble Mr. Slacke.
The Hon'ble Babu Radha Charan Pal.	The Hon'ble Mr. Gupta.
The Hon'ble Babu Jogendra Chandra Ghose.	The Hon'ble Mr. Collin.
The Hon'ble Raja Peary Mohan Mukharji.	The Hon'ble Mr. Carlyle.
	The Hon'ble Mr. Inglis.
	The Hon'ble Mr. Gait.
	The Hon'ble Mr. McIntosh.
	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.
	The Hon'ble Babu Bhupendra Nath Basu.
	The Hon'ble Raja Ban Bihari Kapur.
	The Hon'ble Babu Kali Pada Ghosh.

So the amendment was lost.

The Hon'ble MR. CARLYLE moved that for the new clause (*i*) of section 102, to be inserted by sub-clause (*3*) of clause 18 of the Bill, the following be substituted:—

"(*i*) any right of way or other easement attaching to the land for which a record-of-rights is being prepared."

[*Mr. Carlyle; Babu Jogendra Chandra Ghose; the President.*]

He said:—"It has been pointed out that the wording of the section, as proposed by the Select Committee, is legally incorrect. There can be no custom regarding an easement, the right to which may accrue by usage for a definite, and not very large, number of years. The words 'attached to land for which a record-of-rights has been prepared' have been inserted to make it clearer that rights of ways and easements can be recorded. An easement is a thing that can be acquired in a limited number of years."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"I am surprised that the Hon'ble Member should oppose a small thing like the one I moved, namely, whether a custom is transferable by custom or not and should at the same time propose such complicated questions as easements—questions much more difficult to decide than questions of transferability."

The Hon'ble the PRESIDENT said:—"Does the Hon'ble Member oppose the amendment?"

The Hon'ble BABU JOGENDRA CHANDRA GHOSE in reply said:—"No, I do not oppose it."

The motion was then put and agreed to.

Clause 20A.

The Hon'ble MR. CARLYLE also moved that clause 20A be re-numbered clause 21, and clause 21 be inserted before it as clause 20A. He said:—

"This is merely a verbal amendment, which the Council will, I have no doubt, accept."

The motion was put and agreed to.

Clause 21A.

The Hon'ble MR. CARLYLE also moved that in clause 21A of the Bill for the words from "after the word 'tenancy'" to the end of the clause, the following be substituted, namely:—

"for the words 'have not been recorded or have,' the words 'or any right of way or other easement attaching to the land which is the subject of the tenancy have not, or has not, been recorded or have, or has' shall be substituted."

He said:—"This amendment is partly consequential on the amendment already accepted by the Council relating to clause 18 of the Bill and partly purely verbal."

The motion was put and agreed to.

Clause 21B.

The Hon'ble MR. CARLYLE also moved that in clause 21 of the Bill, in the new section 105A,—

(*a*) for the word "question" the word "issue" be substituted;

(*b*) in sub-clause (*f*), for the words "or any custom relating" to the end of the section, the following be substituted:—

"or any right of way or other easement attaching to the land have not, or has not, been recorded or have, or has, been wrongly recorded;"

(*c*) for the words from "the Revenue-officer shall hear" to the end of the section, the words "the Revenue-officer shall try and decide such issue, and settle the rent under section 105 accordingly," be substituted.

He said:—"The first alteration is merely verbal. The word 'issue' is better than the word 'question.'

[*Mr. Carlyle; Babu Kali Pada Ghosh.*]

"In sub-clause (*f*), the alteration is merely intended to bring the su clause into line with clause 21 (*a*), as just amended by the Council.

"The third amendment is intended to make the wording of the clau somewhat clearer. The provision regarding the force to be given to t Revenue-officer's decision has been transferred to section 107 by paragraph of the list of amendments."

The motion was put and agreed to.

The Hon'ble BABU KALI PADA GHOSH moved that the following provi be added to section 105A, in clause 21B of the Bill, namely:—

"Provided the Revenue-officer shall not hear and decide any of t issues mentioned in this section if it has already formed the subject-matt of a suit under section 106."

He said:—"In the amendment which I have moved some verbal alter tions are necessary, and the Hon'ble Mr. Carlyle has drafted an amendmer and I accept the wording of that amendment in lieu of the one I have ju moved."

"The amendment which I now beg to move will run thus:—

'Provided that the Revenue-officer shall not try any issue under th section which has been, or is directly and substantially in issue between t same parties, or between parties under whom they or any of them claim, an has been tried and decided, or is being tried, by a Revenue-officer in suit instituted before him under section 106.'

"The intention of the amendment is simply to prevent proceedings bein simultaneously carried on under sections 105A and 106. Certain questions, c issues as I may call them, may be decided under section 105A, and the ver same question may form the subject of a suit under section 106; but it certainly not desirable that the same matter should form the subject of disput before two authorities under two different sections. I find that the Hon'bl Mr. Carlyle has subsequently drafted an amendment to meet such contingenci when he comes to motion 40, in which he has provided for staying certain proceedings, simply with the object to prevent these matters from bein proceeded with simultaneously; but I find that the amendment of that sectio could not cover my amendment, so I am obliged to put it and I hope there ca be no objection to its acceptance."

The Hon'ble MR. CARLYLE said:—"I think it is quite right that ther should be such an amendment of the Act. I am willing to accept this amend ment, if the Hon'ble Member will alter the wording, so as to bring it in lin with the wording suggested for the proviso to section 100."

The motion was put and agreed to.

Section 106.

The Hon'ble MR. CARLYLE moved that to section 106 of the Ac the following proviso be added, namely:—

"Provided also that in any suit under this section the Revenue-officer shall not try any issue which has been, or is directly and substantially in issue between the same parties, or between parties under whom they o any of them claim, in proceedings for the settlement of rents under this Part, where such issue has been tried and decided, or is being tried, by Revenue-officer under section 105A."

He said:—"This proviso is necessary to be added to section 106, in order to prevent disputes being fought out about the same matter in two different Courts—one under section 105A and another under section 106. The proviso is on all-fours with the one just accepted by the Council in the case of section 105A."

Babu Jogendra Nath Mukharji; Mr. Carlyle; Babu Jogendra Chandra Ghose.]

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"Before this matter is t to the vote I think there is one matter which requires consideration. As ended, the section indicates that where a question has formed the subject-tter of a suit, under section 106, no issue under section 105A shall be tried en it is practically the same in both. Similarly, where such is the case with ference to an application under section 105 and questions under section 105A ve arisen, the 106 Officer cannot try them where they are the same in pro-edings under that section as well as those under section 106. The result will that there will be two negatives. The question for consideration is, whether ere being these two negative aspects of the question the 105 as well as the 106 fficer will have to stop the hearing of both the suits. As I understand the endment, it contemplates cases which are pending besides those which have en already decided. In both the amendments proposed, the same elements are esent and both the Officers, *viz.*, 105 and 106 Officers will have to stop their oceedings, and the question may not be decided at all by any of them."

The Hon'ble MR. CARLYLE said:—"Might I ask that this matter be post-ned to be considered later on? I have not had time to consider it."

The motion was then postponed for further consideration.

Section 107.

The Hon'ble MR. CARLYLE also moved that in section 107 of the Act, for e words "In all proceedings for the settlement of rents under this Part, and all proceedings under section 106" the words "In all proceedings under ction 105, section 105A and section 106", be substituted. He said:—

"The amendment suggested is merely to make it clear that section 107 plies to section 105A as well as to section 105 and section 106."

The motion was put and agreed to.

Clause 22.

The Hon'ble MR. CARLYLE also moved that in the new sub-section (2) to substituted in section 107, by clause 22 of the Bill, for the words and figures disputes under section 106" the words, figures and letter "issues or disputes der section 105A or section 106" be substituted. He said:—

"The same reasons apply here as in the amendment which I have moved section 107."

The motion was put and agreed to.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, thdrew the motion, standing in his name, that in the new sub-section) to be added to section 107, by clause 22 of the Bill, before the words d figures "section 106" the words, figures and letter "section 105A, or" inserted.

Section 108.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE then moved that in section 8 of the Act, before the words and figures "section 105" the words, ures and letter "section 105A" be inserted.

The Hon'ble MR. CARLYLE said:—"I accept this amendment, although I not sure it is strictly necessary, as in the majority of cases the rules of vision would affect the rent settled under section 105, but I do not think ere can be any objection to it."

The motion was put and agreed to.

[*Babu Kali Pada Ghosh; Babu Jogendra Nath Mukharji; Mr. Carlyle.*]

Clause 22A.

The Hon'ble BABU KALI PADA GHOSH, by leave of the Council, withdrew the motion, standing in his name, that in section 108A, in clause 22A of the Bill, after the words "*bonâ fide* mistake" the words "of a clerical nature" be added. He said:—

"I find that the next amendment which is going to be proposed by my friend, the Hon'ble Babu Jogendra Nath Mukharji, not only covers my amendment but is rather an improvement. That being so, I would ask Your Honour's permission to permit him to move his amendment."

The Hon'ble BABU JOGENDRA NATH MUKHARJI moved that at the end of the first clause of the proposed section 108A, in clause 22A of the Bill, the following words be added, namely:—

"of a clerical or arithmetical nature."

He said:—"The wording has been adopted by me from the Civil Procedure Code, section 206, and it was intended by the Select Committee, so far as I remember, that this was the class of cases contemplated by the new section 108A; but as there is nothing in the section itself to indicate that the only class of cases that can come under it is the one covered by the amendment as proposed by me. I think it would be better, in order to make the section clear, that these words should be added. As the wording of the section stands, it may be interpreted to mean a great deal more than what the Select Committee contemplated. In the Report of the Select Committee, Hon'ble Members will find that the words 'of a clerical nature' are to be found, and from those words it will be quite apparent that the Select Committee intended that the mistakes that Revenue-officers, specially empowered in this behalf, can correct are only those which are of a clerical or arithmetical nature. Therefore I think, Sir, the Council will have no difficulty in accepting this verbal alteration."

The Hon'ble BABU KALI PADA GHOSH said:—"I beg to support the amendment of my friend. I submit that the words '*bonâ fide*', if allowed to remain as they are, would be a vague and too wide expression. Any kind of a mistake may be considered *bonâ fide* by one person and may not be so considered by another person. I do not think that is the intention of section 108A. Any mistake of a substantial character can be rectified by the power of revision which section 108 gives to a Revenue-officer. Section 108 of the Act empowers a Revenue-officer, either of his own motion or on the application of a party, to revise certain matters which are decided under section 106. So that that is the substantial section, and this section 108A has been added simply with the object of empowering Revenue-officers to make corrections of a clerical nature; otherwise the result would be, if the words '*bonâ fide*' stood, that by this section a Revenue-officer can even alter entries to any extent and there would be no finality of record. It can be changed by section 108 and by section 108A. I submit Chapter X of the Bengal Tenancy Act is a very complicated Chapter, and even it puzzles a Lawyer to find what remedies are given and what remedies are taken away; so if we have after section 108 another section 108A of the same nature the people may not know under which section to proceed, and matters would be complicated by having sections, the scope of which would be almost similar. Even, from the Report of the Select Committee, I find that what was really intended was to empower Revenue-officers to correct mistakes of a clerical character. I think that is what was intended and that is what should be made clear in this section."

The Hon'ble MR. CARLYLE said:—"My reason for opposing the amendment of the Hon'ble Member is, that I think there might be obvious mistakes in the record which yet were not of a purely clerical kind. It is difficult to say how the words 'of a clerical kind' would be interpreted. It will be noted that, under the Bill, notice must be given to the parties concerned before corrections are made, and any order would be subject to appeal. Section 108 only applies to orders under certain sections."

[*Mr. Carlyle; Babu Jogendra Chandra Ghose.*]

The motion being put, the Council divided:—

Ayes 8.	*Noes 9.*
The Hon'ble Babu Jogendra Nath Mukharji.	The Hon'ble Mr. Slacke.
The Hon'ble Babu Bhupendra Nath Basu.	The Hon'ble Mr. Gupta.
The Hon'ble Mr. Spink.	The Hon'ble Mr. Collin.
The Hon'ble Mr. Bertram.	The Hon'ble Mr. Carlyle.
The Hon'ble Babu Radha Charan Pal.	The Hon'ble Mr. Inglis.
The Hon'ble Raja Ban Bihari Kapur.	The Hon'ble Mr. Gait.
The Hon'ble Raja Peary Mohan Mukharji.	The Hon'ble Mr. McIntosh.
The Hon'ble Babu Kali Pada Ghosh.	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.

So the amendment was lost.

Clause 23.

The Hon'ble MR. CARLYLE moved that sub-clause (*2*) of clause 23 of the Bill be omitted, and that after section 109C, as re-lettered in clause 24 of the Bill, the following be inserted, namely:—

"109D. A note of all rents settled and of all decisions of disputes on revision or appeal under section 108, section 109A, or sub-section (*3*) of section 109C, shall be made in the record-of-rights finally published under sub-section (*2*) of section 103A; and such note shall be considered as part of the record."

Note of decisions on record.

He said:—"This is an amendment which I have no doubt the Council will accept. It merely provides more fully than before for all cases in which notes of appellate decisions are to be made in the record. With the leave of the President, I would propose that after the word 'sub-section' the figures and word '(*2*) or' should be added. These were omitted by mistake in the original draft."

The motion was put and agreed to.

Clause 24.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE moved that in sub-section (*1*) of the new section 109D, to be inserted by clause 24 of the Bill, after the word "Act" the words "and by the terms of which, when there is an enhancement of rent by such agreement or compromise, the enhancement is such as could not be made under the provisions of this Act regarding enhancement by suit", be inserted. He said:—

"As it is, an agreement regarding an enhancement above one-eighth of the existing rent cannot be taken cognizance of by a Revenue-officer, but the landlord is entitled, under the Act in a suit for enhancement of rent, to get a higher rate than one-eighth by suit under the provisions of the Act. If that be so, what he can get by a suit, why should not he be allowed to get that by an agreement? This section goes against the other provisions of the Act, and can only be made consistent with them, if the words as I have put them be added to it; that is to say, if a landlord enters into a fair agreement, entitling him to an enhancement of rent to which he may be entitled by suit, there is no reason why a Revenue-officer should not give effect to such an agreement? In the first place, this section is subversive of all principles of law: if an agreement is fairly entered into between the parties, there is no reason why any Court should not take cognizance of it. But certainly if it is obtained by fraud or collusion, the Court may not give effect to it. I supported this provision when the Bill was first introduced that in order further to safeguard the rights of the tenants, in view of the larger rights given to the landlords, this might be accepted; but it will be going too far now to say that a Revenue-officer shall not record any enhancement of rent, even such as

[*Babu Jogendra Chandra Ghose; Babu Kali Pada Ghosh; Mr. Carlyle; Raja Peary Mohan Mukharji.*]

a landlord can get by suit. By the previous section, he cannot give effect to any agreement which contravenes the provisions of section 29. Clause 2, in my humble opinion, seems to be au attempt, but a futile attempt to remedy the mischief which the previous section does."

The Hon'ble BABU KALI PADA GHOSH said:—"I am not sure if sub-section (*1*) of section 109D does take away the landlord's right to get such an enhancement as he could only get by a properly-framed suit for the purpose. If it really does, then I am in sympathy with the object of the amendment; although I must say the wording of the amendment requires some modification."

The Hon'ble MR. CARLYLE said:—"The Government cannot accept the amendment proposed by the Hon'ble Babu Jogendra Chandra Ghose. It would cut at the root of the provisions regarding enhancement by agreement between parties. One of the most important principles embodied in the Tenancy Act is, that there is not freedom of contract as between zamindar and raiyat. If a zamindar wishes to get an enhancement above a certain amount, he must either go to the Civil Court or to the Settlement Officer as the case may be. Were the amendment to be accepted, this principle would be entirely abolished. I would also point out that the amendment involves the adoption of a new principle, and it would not be in the power of the Bengal Council to pass, until it had been approved by the Government of India and the Secretary of State."

The motion was then put and lost.

The Hon'ble RAJA PEARY MOHAN MUKHARJI moved that in clause 24 of the Bill, sub-section (*3*) of the new section 109D, be omitted. He said:—

"When an agreement or compromise is entered into by two persons, no third party can be affected by it. Third parties' rights will not be jeopardised by any settlement or stipulation mentioned in such agreement or compromise. It is on this ground that I beg to move my amendment."

The Hon'ble MR. CARLYLE said:—"I regret the Government cannot accept the amendment proposed by the Hon'ble Raja Peary Mohan Mukharji. The record-of-rights is one which is prepared for the use of the public generally, and not merely for the benefit of the two parties to a dispute. If this is so, the Revenue-officer is clearly bound to see that he does not, without due inquiry, make an entry which might injuriously affect third parties. The Hon'ble Raja Peary Mohan Mukharji has contended that an entry giving effect to a settlement of a dispute between two parties does not legally affect a third party, but in practice it would affect third parties very seriously. If, for instance, a zamindar and tenure-holder were to enter into a fraudulent agreement that the tenure-holder is to be recorded as an occupancy raiyat, the tenure-holder's tenants would find it almost impossible in practice to establish that they held occupancy rights. It is probably well-known to many Members of Council that for many years, in partition cases, raiyats submitted to entirely illegal enhancements of rents; simply because if a raiyat's holding was partitioned between two zamindars, the partitioning officer allotted to each portion the rents stated by the zamindars, even though the result was to make the raiyat pay a much higher rental than he had given for the undivided holding or than could have been demanded from him under the law."

The motion was put and lost.

The Hon'ble RAJA PEARY MOHAN MUKHARJI also moved that in the same clause, the proviso to the new section 109E, be omitted. He said:—

"Sub-section (*3*) of section 109E gives the Board of Revenue power to direct a Revenue-officer to revise a record-of-rights and to settle fairs or equitable rents; so that this sub-section gives the Board a power which cannot be exercised even by Your Honour yourself without the sanction of the Government of India. By section 112, Your Honour has the power of directing a revision of rent, which means either the raising of the rents or reducing of the rents; but before issuing orders to that effect Your Honour has to get

[Raja Peary Mohan Mukharji; Mr. Carlyle; Babu Jogendra Nath Mukharji.]

sanction of the Government of India. Here it is proposed to give the rd of Revenue power much in excess of what Your Honour enjoys. It has n pointed out to me that the Board of Revenue already enjoy that power in tain cases, as for example under section 104; but it is no argument that ecause a power has been unjustly vested in the Board in one instance that it hould be repeated again in a subsequent enactment. I submit, therefore, that sub-section (5) and the proviso should be omitted from section 109E."

The Hon'ble MR. CARLYLE said:—"It is quite necessary that there should be some supervision over the work of Revenue-officers under this section, and that supervision can best be exercised by the Board. The Special Judge will only take up appeals, but the Board will call for explanations whenever necessary. The Government has gone a long way to meet zamindars, and do all that can be done to prevent hardship on them, by section 109E, and is entitled to ask that there should be some supervision of Revenue-officers to whom this very great power has been given. There is nothing unjust in giving the Board power of supervision, and I cannot agree with the Hon'ble Raja Peary Mohan Mukharji that the powers already given, under section 104, are unjust. Section 112 is quite a special case, and I do not see that it is unjust or improper to give powers of revision to the Board where an altogether new provision has been inserted in the Act."

The motion was put and lost.

The Hon'ble MR. CARLYLE moved that the new sections 109D and 109E, to be inserted by clause 24 of the Bill, be re-lettered 109B and 109C, respectively.

The motion was put and agreed to.

Clause 24A.

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"As I had something to do with the framing of the next amendment which stands in the name of the Hon'ble Member in charge of the Bill, he has asked me to move it and I have great pleasure in doing so.

"I beg to move that after clause 24A of the Bill the following clause be inserted, namely:—

'24B. After section 111A of the said Act the following shall be inserted, namely:—

"111B. (*1*) Where a record-of-rights has been prepared and finally published in respect of the lands in any area in which a settlement of land-revenue is not being made, or is not about to be made, no application or suit affecting such land or any tenant thereof shall, within three months from the date of the certificate of final publication of such record-of-rights, be made or instituted in any Civil Court for the decision of any of the following issues, namely:—

Stay of applications and suits in which certain issues are raised.

(*a*) whether the land is or is not liable to the payment of rent;

(*b*) whether the relation of landlord and tenant exists;

(*c*) whether the land is part of a particular estate or tenancy; or

(*d*) whether there is any special condition or incident of the tenancy, or whether any right of way or other easement attaches to the land.

(*2*) If, before the final application of the record-of-rights in such area, a suit for the decision of any of the issues mentioned in sub-section (*1*) has been instituted in a Civil Court, the Revenue-officer shall not entertain any suit under section 106 involving the decision of the same issue.

(*3*) Where, in the course of settling fair rents under section 105, the Revenue-officer finds that, by reason of a suit involving the decision of any of the issues mentioned in sub-section (*1*) having been instituted in a Civil Court, before the final publication of the record-of-rights, or before a Revenue-officer under section 106, he is unable to settle a fair rent until such issue is decided, the Revenue-officer shall stay the proceedings for the settlement of a fair rent, pending a final decision on the issue; and, after the issue has been finally decided, he shall settle a fair rent as if the record-of-rights had been framed in accordance with such decision.

(*4*) Where the making of an application or the institution of a suit has been delayed, owing to the operation of sub-section (*1*), the period of three months therein mentioned shall be excluded in computing the period of limitation prescribed for such suit or application."'

"It is necessary to explain the reasons which necessitated this amendment, and some slight history as regards the process of framing records is necessary to be placed before Hon'ble Members. Those Hon'ble Members who are not very familiar with the proceedings under Chapter X of the Bengal Tenancy Act, in a permanently-settled area, do not probably know that there are several stages through which the record of-rights is taken. The first stage is the demarcation of the boundary of villages; then comes the stage when officers of subordinate rank fill in different columns tentatively, and then the next year the attestation stage comes, that is, an officer of superior rank verifies the entries in the record-of-rights and decides any matter necessary for him to decide in order to retain the record as far as possible at that stage in a correct way; then the preliminary publication of records takes place, and after that objections are invited and considered by the Settlement Officers. After the decision of objections under section 103 of the Bengal Tenancy Act, the final record is framed and published and very often at this stage, when a person who has preferred an objection in respect of an entry in the record-of-rights, finds that his objection has been lost he files a suit in the Civil Court.

"When the final publication takes place, the zamindar, or rather anybody who has benefited by the record, comes in and files an application under section 105 for settlement of a fair rent, and generally it is the zamindar who does so. When an application like that is put in, various questions are raisod by the party against whom that application is preferred; the objections may be on the ground that the man who has been entered as a tenant is not really the tenant, that he holds his land rent-free or it may be that the status which has been recorded has not been correctly recorded, that is that he is not a tenure-holder but a raiyat and so forth.

"Section 105A, which has been accepted by Hon'ble Members to-day, provides for contingencies of settling fair rents under section 105; because unless and until those questions are decided a Revenue-officer cannot settle a fair rent, for it may be that the land is really rent-free, not rent-paying. In such a case, it will be a pure waste of time for a Revenue-officer to settle fair rent and then to unsettle it, after it is decided that the land is not rent-paying. The whole of his labour is lost in that case. I need not go into the history of this section 105A, which has been accepted to-day; it will suffice for me to say that, if that section had not been adopted matters would have been made considerably difficult. That is one stage of the case.

"The tenant, it may be, after an application under section 105 has been filed —this has to be filed within two months after the date of certificate of final publication—and before he gets a summons in the case or before he is called upon to appear and put in his written statement, may go to the Civil Court or to the Revenue Court under section 106 and file a suit. Provision has been made covering this contingency, and the freedom of choice of the plaintiffs as to the venue of their suits at this stage has been left untouched. There is, however, no provision in the Bengal Tenancy Act providing against a contingency like the one contemplated by this new section 111B.

"I have already submitted that, before final publication of the record and after the decision of an objection under section 103A, a person may go to the Civil Court and file a suit. But what is the Settlement Officer, under these circumstances, to do for instance when there is an application under section 105 pending before him? Up to this time, parallel cases have been going on simultaneously in the Civil Court as well as in the Settlement Department. The Revenue-officer may now sometimes say that he had the first seisin of the case, and the Civil Court therefore has no jurisdiction to try the issues that has arisen before him at that time; the Civil Court saying, on the other hand, we are a Civil Court and there is no authority by which we can be divested of jurisdiction. In this way, considerable difficulty has ensued, and the difficulty has been experienced not only by the landlord but by the raiyat as well. In order to prevent this double mode of procedure, this section 111B has been proposed.

[*Babu Jogendra Nath Mukharji.*]

"Three months after the final publication of the record, I may repeat, is the period during which a person can file a suit under section 106 of the Bengal Tenancy Act; so that by the provision contained in the proposed section 111B, time is given to a party to elect whether he should go to the Civil Court or to the Revenue Court as plaintiff. The issues covered by this section are the following, namely:—Whether the land is or is not liable to payment of rent; whether the relation of landlord and tenant exists; whether the land is part of a particular estate or tenancy, a tenancy and whether there is any special condition or incident of or whether a right of way or easement attaches to the land comprising the tenancy? Now, these are questions which very generally crop up in connection with the decision of cases under section 105, and it may be questioned why is it that the wording of this section is somewhat different from the wording of section 105A; as it will be seen that there are four classes of issues contemplated by this section 111B, whereas there are more than four classes of issues contemplated by section 105A? Evidently, it was intended that the nature of the questions or issues intended to be dealt with should be the same in both these sections.

"It will be remembered, however, that section 105A was worded with reference to the record as finally framed, and because the consideration of any issue mentioned in section 105A has to proceed upon the record as framed. Therefore, the wording of section 105A is slightly different from the wording of section 111B, so far as the classes of issues mentioned in each of these sections is concerned; but it will be seen that practically every question that comes up in section 105A comes also in section 111B, when coupled with section 111 which forms a complement to it. The wording is different, because of the fact that the wording of one section is directed to the record itself; whereas the other is independent of any such basis. I, therefore, submit that the matter of section 111B, together with that of section 111 and the matter of section 105A, are practically identical in point of the questions which they are intended to cover. Then we go on to the second clause:—

'If, before the final publication of the record-of-rights in such area, a suit for the decision of any of the issues mentioned in sub-section (*1*) has been instituted in a Civil Court, the Revenue-officer shall not entertain any suit under section 106 involving the decision of the same issue.'

"This is a matter, the principle of which has already been accepted by the acceptance of the two amendments adopted by the Council, in the shape of the two provisoes added to sections 105A and 106; and it is only with a view; to prevent simultaneous suits in a Civil Court, and before the section 106 Officer, that this clause (*2*) is proposed.

"The third clause where, in the course of setting fair rents under section 105, the Revenue-officer finds that, by reason of a suit involving the decision of any of the issues mentioned in sub-section (*1*) having been instituted in a Civil Court, before the final publication of the record-of-rights or before a Revenue-officer under section 106, he is unable to settle a fair rent until such issue is decided, the Revenue-officer shall stay the proceedings for the settlement of a fair rent, pending a final decision on the issue; and, after the issue has been finally decided, he shall settle a fair rent as if the record-of-rights had been framed in accordance with such decision. This is in exact consonance with existing practice. Where there is a parallel suit before the Civil Court the Revenue officer while proceeding under section 105 or 106 is at sea and he does not know which way to turn; and this clause lays down the procedure for him.

"The last clause (*4*), where the making of an application or the institution of a suit has been delayed owing to the operation of sub-section (*1*), the period of three months therein mentioned shall be excluded in computing the period of limitation prescribed for such suit or application.

"This is a necessary clause; because when a plaintiff is stopped from filing a civil suit, it may be he loses his right to bring a suit in the Civil Court upon the expiry of the period of three months during which such suits are stopped. I have already submitted to the Council that the reason why the filing

[*Babu Jogendra Nath Mukharji; Babu Kali Pada Ghosh; Mr. Carlyle.*]

of civil suits is forbidden for three months after the final publication of records, is, to give time for election to the party concerned, and therefore it is right and proper that the period of limitation should operate in his favour during this period of three months. That is the object of clause (*4*).

"I think I have now briefly explained the object of section 111B, and I hope Hon'ble Members will agree with me in thinking that this is a very necessary section. Great difficulties have been experienced for want of a definite procedure which would control parallel suits or stop parallel suits in the settlement and the Civil Courts, and the proposed section 111B is calculated to give relief not only to the officers of Government concerned but to the general body of both landlords and tenants. With these words, I recommend this section."

The Hon'ble BABU KALI PADA GHOSH said:—"I have no intention of opposing this section; but I may be permitted to make a suggestion to the Hon'ble Member in charge of the Bill as to whether the period of three months, which has been mentioned in clause (*1*) of section 111B, covers all cases which, by this section, he intends to provide. The period of three months has been taken, because it coincides with the period mentioned in section 100 of the Bengal Tenancy Act; but in cases where a suit has been instituted, under section 106 of the Bengal Tenancy Act, within three months of the final publication of the record, say after two months and twenty days and necessarily some time will be taken up in the final decision and it may continue for some months, the question is, if the very same matter regarding which a suit has been filed under section 106 be taken to the Civil Court, after the expiry of three months from the final publication of the record but before the decision of the suit under section 106, whether the Civil Court's jurisdiction would be barred in such a case? If not, a distinct difficulty arises which the Hon'ble Member wants to remove by section 111B."

The Hon'ble BABU JOGENDRA NATH MUKHARJI remarked:—"I think the Limitation Act covers that."

The Hon'ble BABU KALI PADA GHOSH continued:—"I am not speaking of the time. The question is, when a suit is pending under section 106 and the same matter is taken up by the Civil Court, can the Civil Court be prevented from proceeding with it?"

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"You cannot have the same question tried over again by the Civil Court. You cannot have two suits running on at the same time."

The Hon'ble BABU KALI PADA GHOSH said:—"I would suggest another thing, namely, that the question or issue involved in clause (*e*) of section 105A has not been specifically mentioned. If it has been intentionally left out, some difficulty will arise. So far as I see, it does not expressly come under the new section 111B and I think it ought to be specifically mentioned."

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"I think section 111 deals with the question of determination of the status of a tenant, and therefore corresponds to clause (*e*) of section 105A."

The Hon'ble MR. CARLYLE said:—"I agree with the Hon'ble Babu Jogendra Nath Mukharji. I think the difficulties raised are sufficiently provided for."

The motion was then put and agreed to.

Sections 116 and 120.

The Hon'ble BABU KALI PADA GHOSH moved that in section 116 of the Act, after the word "proprietor's" the words "or tenure-holder's" be

[*Babu Kali Pada Ghosh; Babu Jogendra Chandra Ghose; Babu Radha Charan Pal; Mr. Carlyle.*]

dded, and that the alterations that may be necessary in sections 117, 118, 20 and 129A for such addition be made. He said:—

"Section 116 as it stands only protects the private lands of proprietors s defined in this Act, and thereby it excludes the private lands of all enure-holders. This is a very important question, and I hope it will ngage the careful attention of the Council; because, in this Province, there is very large class of tenure-holders who have private lands, and I may say hat the private lands of the tenure-holders may be greater in extent than those f the proprietors. One and the same landholder may be a proprietor and a tenure-holder. I do not think it can be the intention of the Legislature that private lands of tenure-holders should be excluded from the operation of section 116, and only a proprietor's lands should be protected by that section. It may be said that this is a new addition which I want in section 116, but section 116 as it stands only protects one class of lands; and I submit that a tenure-holder's private lands are not protected and the right of occupancy should not be allowed to accrue in such lands.

"We know that there are a very large number of *mukararidars* and *patnidars* in this part of the country, and as a matter of fact the private lands of such tenure-holders have been recognized as such even in the settlement proceedings; so I simply ask that the words 'or tenure-holders' may be added, so that no difficulty may arise in interpreting this section and that it may not be said that the private lands of tenure-holders have been intentionally left out."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"I beg to support this amendment. It is a plain omission in section 116, but if the amendment is carried the omission, which is in favour of the tenant, will be removed; but in other sections of the Act, which gives the zamindar's rights in the *khama* lands, the defect may not be removed. Section 116 is now before the Council for consideration, and I submit the amendment of the Hon'ble Babu Kali Pada Ghosh is a reasonable one and should be adopted."

The Hon'ble BABU RADHA CHARAN PAL said:—"I also support the amendment. Section 116 expressly protects Government land, Railway land, and proprietor's private lands from the accrual of occupancy rights. Tenure-holders are persons who have acquired from the proprietors a right to hold land, for establishing tenants as well as for collection of rents; and I think that their interests are, so far as these lands are concerned, practically the same as those of the original proprietors from whom they have got the land. I think, therefore, that the interests of the tenure-holders ought to be safe-guarded by the addition of the words 'or tenure-holder's' after the word 'proprietor's', as suggested by the Hon'ble Babu Kali Pada Ghosh."

The Hon'ble MR. CARLYLE said:—"The Government cannot accept this amendment. A fatal objection to it is, that it involves a new departure, which would require to be accepted by the Government of India and the Secretary of State before legislation could be introduced into the Council on the point. Section 116 is quite clear; it does not apply to permanent tenure-holders and is not intended to apply. Independently of this objection, I would resist taking it up now. I doubt whether permanent tenure-holders can anywhere claim rightly to hold private lands of the same character as Bengal and Bihar zamindars. A full inquiry would be necessary as to whether such rights should be allowed. I am not prepared to give an opinion off-hand, but my impression is that the cases are not parallel. I may point out the Hon'ble Member's proposal would apparently have the effect of enabling even temporary tenure-holders to acquire private lands, and to bar the accrual of occupancy-rights by tenants admitted to occupation of the land by temporary tenure-holders. This is altogether a new principle, which has been raised in Council for the first time to-day."

The Hon'ble BABU KALI PADA GHOSH in reply said:—"I admit my amendment involves a new principle, but the question is of such serious importance that I had expected it would have been carried; its non-acceptance will render

tenure-holders' lands unsafe, and I hope steps will be taken to remedy this omission in section 116. I do not think it was an intentional omission, but an oversight."

The motion was then put and lost.

The Hon'ble BABU KALI PADA GHOSH also moved that in section 116 of the Act, the words "and Orissa" be added after the word "Bengal." He said:—

"This amendment has also reference to the same section, and its object is to safeguard any misinterpretation that may arise by not having the word 'Orissa' in that section. My reason is simply this: that the section as it stands classifies certain lands in Bengal by certain names, and also similar lands in Bihar. As this section has been introduced into Orissa, I think it would be desirable to add the words 'and Orissa' after the word 'Bengal,' so that there may not be any misinterpretation that this section does not include lands in Orissa."

The Hon'ble MR. CARLYLE said:—"I must oppose the Hon'ble Member's amendment. This Chapter of the Bengal Tenancy Act was not in force when the settlement was made in Orissa, and if inserted it would probably have the result of giving zamindars the right of holding land as private land in many cases where it was not the intention that such rights should be given. I do not think the Council ought to accept this amendment."

The Hon'ble BABU KALI PADA GHOSH then, by leave of the Council, withdrew the amendment as also the following motion, which stood in his name, namely:—"that in clause (*a*) of section 120 (*1*) of the Act, after the words "this Act" the following words be added, namely:—

"and, in case of the Division of Orissa, twelve continuous years immediately before the date of extension of this section to that Division."

Clause 29A.

The Hon'ble RAJA PEARY MOHAN MUKHARJI moved that clause 29A of the Bill be omitted. He said:—

"Section 29A is open to very grave objections. In the first place, it is opposed to all recognized principles of judicial procedure, to dictate to an officer engaged in a *quasi*-judicial inquiry as to the nature of the evidence on which he is to come to a conclusion. His discretion should not be fettered. In the second place, it is beyond the power of this Council to enact a law which would enable a District Officer to go counter to the principle of *res judicata*. When a decree has been passed by a Civil Court, whether *ex-parte* or upon fraudulent representations, that decree will have the force and validity of a decree of a Civil Court, so long as it is not set aside by the Civil Court. The *dictum* of a Revenue-officer, holding that a decree is invalid or fraudulent, does not in the least take away from the validity or weight of a Civil Court decree. The person who has got the decree—I mean the decree-holder—will, if he applies to the Court, get every relief ordered by that decree; the Civil Court will be bound to give him such relief in spite of the *dictum* of a Revenue-officer.

"I submit, therefore, that, having regard to the serious objections I have pointed out, this clause of the Bill should be omitted. Your Honour will see that cases of fraudulent decrees are not unprovided for by the Evidence Act. Section 44 of the Evidence Act provides that, when a decree has been proved in a suit or other proceeding by a party, the adverse party is at liberty to prove that that decree was obtained by fraud or misrepresentation; so that all that clause 29A proposes to provide has been already authoritatively provided for in the Evidence Act; and I think that this Council should be content with the provision of the law as it exists at present."

[*Raja Ban Bihari Kapur; Babu Bhupendra Nath Basu.*]

The Hon'ble RAJA BAN BIHARI KAPUR said:—"Your Honour, I beg to support my hon'ble friend in his opinion that this clause be omitted from the Bill. On the face of it, it looks very improper and unjust that a decree of a Civil Court passed on a suit (even if it be given under a decision of the Hon'ble High Court) can be nullified by a Settlement Officer. A Revenue-officer, possessing a doubtful experience, is to be empowered to set at naught the judicial finding of the highest Court, if on inquiry he finds that what is stated in the deed of compromise, agreement or the decree, is not borne out by the evidence recorded by him at the time of the local inquiry, he is not to give effect to such decree, etc This is virtually giving the Settlement Officer much greater power than it is fair and safe to entrust him with, specially as there is no time-limit to the re-opening of the question.

"I need hardly say that it is not uncommon that only the members of a combined body sometimes are brought before the Settlement Officer at the time of the inquiry, and that the subordinate officers of the Settlement Department sometimes have favourable evidence recorded on behalf of such persons as pay them well or are otherwise able to secure their sympathy. I think, Sir, the directions given to the Settlement Officers under section 120 of the Act, as they now stand, are quite sufficient, and further provision, which is under discussion, need not be made. Besides, Sir, a good deal of injustice, I fear, may be done to those land-lords that have extensive *sirat* or *nijote* lands. Hence, I consider that the proviso be expunged from the Bill."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"I also support my friend, the Hon'ble Raja Peary Mohan Mukharji, in this amendment. In the Note of Dissent that I have appended to the Report of the Select Committee I have taken exception to this clause, both on the ground of principle and as being of very doubtful value in practice. From the Notes circulated to us, I find that exception is taken to the proposition which I ventured to lay down, that it is objectionable on principle. The principle is this—that a finding of a Civil Court shall not be disturbed, and I think it would be a mistake to invest a Revenue-officer with authority to inquire and decide whether a decree of a Civil Court in a contested suit was obtained by collusion or fraud which is practically the effect of clause 29A; it is objectionable on principle and of very doubtful value in practice. The clause fixes no time within which a Civil Court decree may be challenged before a Revenue-officer, and the provision will lead to settled questions being re-opened after lapse of considerable time and to unnecessary litigation. That is a well recognized principle in criminal proceedings; its application occurs every day in cases of trespass and for offences against property. The counter-proposition is stated in the Note thus:—

'This clause in the main re-asserts the principle already accepted in clause 21 that, agreements or compromises made before a Revenue-officer should not be held to affect the rights of third parties. But in regard to the record of proprietor's private land, the majority of us consider it necessary to go further and to provide that the Revenue-officer shall not be bound to record land, as proprietor's private land, because it has been declared to be so in a decree which has been obtained *ex-parte* or by collusion or fraud. The question whether land is proprietor's private land affects not merely the parties to a particular suit, *viz.*, the landlord and the tenant for the time being, but also all future occupants of the land, and it is necessary to safeguard their interests as far as possible. It would be easy for a landlord to obtain an *ex-parte* or collusive decree, declaring certain land to be proprietor's private land, by suing a non-existent or fictitious defendant who had no concern with the land. We consider, therefore, that in framing a record-of-rights regarding such land, the Revenue-officer should not be bound by decrees of the nature referred to, but should be required to satisfy himself by independent evidence as to the real nature of the land.'

"We do not question that a Civil Court can set aside its own decree if it is satisfied from a regular hearing that the decree was obtained by fraud or collusion, but that Court must be a Court which can exercise jurisdiction in the matter. It has also been established that a party may take the defence in a Civil suit of a decree having been obtained by fraud or collusion. That also will have to be tried by the Civil Court, but the principle that I was contending

[*Babu Bhupendra Nath Basu; Babu Radha Charan Pal; Mr. Allen.*]

for was this: that the Court is not a Civil Court and that a mere Revenue-officer should not be allowed to interfere with decrees of Civil Courts. It will impair the value of our Civil Court decrees, and I submit it would introduce a very dangerous innovation. It is possible if a Revenue-officer finds that there is anything suspicious in a Civil Court decree, he can easily remit the parties to their remedies in the Civil Courts. Therefore, I think that on principle this is objectionable. It is also, as I have said, of very doubtful value in practice, for I am quite sure that very few Revenue-officers, unless they are possessed of an extraordinary amount of 'zid' in a certain matter—which unfortunately is not absolutely uncommon—will disregard Civil Court decrees. That being so, I do not see the use of introducing a principle of legislation in a Rent Bill which, as I say, cannot be justified."

The Hon'ble BABU RADHA CHARAN PAL said:—"I rise to support the motion of the Hon'ble Raja Peary Mohan Mukharji, that this clause be omitted from the Bill. Section 120 lays down rules for the determination of a proprietor's private land. In a Civil Court, if the question of right has been thrown out and a decree is obtained, I do not think it would be to the interest of the landlord or the tenants that the matter should be re-opened by the Revenue-officer at a subsequent stage, and especially when there is no time to make inquiry. It has been often remarked and often brought to Your Honour's notice, that litigation is the bane of this country that the raiyats in many cases are ruined in litigation in which they are involved with the landlords of the country. In this case, I do not think that any benefit will accrue to the raiyat; but, on the contrary, he will be plunged into litigation again over a matter which has been settled and decided by a constituted Court of Law, and the raiyat will, in the long run, be worsted by the re-opening of the whole question of his rights which has been once decided by the Civil Court. In these circumstances, I support the motion."

The Hon'ble MR. ALLEN said:—"I am rather doubtful whether all the Hon'ble Members, who have spoken on this subject, have appreciated the exact bearing of this section 29A upon the law, and I would ask Your Honour's permission to say a word or two about the law as it stands before dealing with their observations. Under section 120, a Revenue-officer has to make an inquiry in order to frame his record as regards a proprietor's private lands, and he has to record as proprietor's private lands all lands which are defined as such under section 120. The effect of that record will be found in section 116, which provides that nothing in Chapter V, which is the Chapter which deals with accrual of occupancy rights, shall confer a right of occupancy in, and nothing in Chapter VI shall apply to, lands so recorded; in other words, no tenant may hereafter acquire occupancy rights in any land which the Revenue-officer has recorded as being proprietor's private lands.

"That is a very important penalty upon the raiyats of a village, and the Select Committee have very carefully considered how far they ought to go in protecting the raiyats of a village against a wrong record of what is proprietor's private land. It might well happen, the Select Committee thought, that a collusive decree might be obtained by a zamindar, against one or more of his raiyats, in a suit in which the raiyat did not attempt to fight the claim of the zamindar; the result of which might be that all or a very large portion of the lands of a village might be decreed, as between the parties, to be proprietor's private land. If then a Revenue-officer going into the village, after that decree had been passed, were to adopt that decree as the basis of his record and were to record all the lands or such of the lands as were affected by the decree as being proprietor's private lands, very grave injury would be dealt to the raiyats of the village, and not only to them but to their descendants for all time; in other words, a decree which is passed between certain parties only might prejudicially affect the interests of a very much wider circle of tenants.

"It appeared, therefore, to the Select Committee that some special provision was necessary in the law to prevent such a result occurring. Some of the Members of the Select Committee thought that a Revenue-officer ought to go behind any decree that might have been passed; in other

words, in spite of any decree that might have been passed, after due inquiry and whether contested or not, he yet ought to disregard it if he came to the conclusion that the decree was wrong. On the other hand, other Members pressed before us the view, which has been pressed upon the Council to-day by the Hon'ble Members who have spoken upon this amendment, and they said it would be wrong that a Revenue-officer should have power in that way to override the decrees of a Court passed after a full hearing and on a proper consideration of the evidence.

"The Select Committee adopted a middle course: they accepted the view that had been pressed and they said that where a decree had been passed with the parties before the Court and after due consideration of the evidence, effect must be given to the decree by the Revenue-officer; but they held and they were advised that there were other decrees, which could not be so described and which might have been obtained *ex-parte* or by collusion or fraud. Such decrees, the Select Committee thought, should not protect the zamindars against the accrual of occupancy rights for all time; and it was in adopting this middle course that the Select Committee have framed the section as it stands to-day. I would press upon Hon'ble Members the view that the wording of the section as it now stands is the reasonable one; for while on the one hand it will prevent a certain class of decrees which are described as being *ex-parte* or obtained by collusion or fraud from interfering with the accrual of occupancy rights it will on the other hand protect *bonâ fide* decrees and their decree-holders in the enjoyment of rights decreed to them."

The Hon'ble MR. CARLYLE said:—"I cannot accept the proposal entirely to omit the section; and for the reasons given by the Hon'ble Mr. Allen it is very important. As regards the objection raised by the Hon'ble Raja Peary Mohan Mukharji as to the matter being *res judicata*, I do not see how that objection can possibly arise. A matter is *res judicata* merely as between parties. It may be *res judicata* as between a zamindar and his tenant, who is a party to a fraudulent or collusive decree, but it is not *res judicata* as regards the public, and the provision of the Bill is not in conflict with legal principles.

"I am prepared to omit, and will myself move, if necessary, that the words 'which has been passed *ex-parte* or' be omitted, but I am not prepared to go further. Every Civil Court has a right, and is in fact bound, to refuse to act on a decree obtained by collusion or fraud, and there is no reason why a Revenue-officer should accept a collusive or fraudulent decree, especially when it is remembered that the question he has to decide affects not only the parties between whom these suits have been brought but the public generally. I can see no reason to believe that Revenue-officers are likely hastily to conclude that decrees are collusive or fraudulent any more than Munsifs or Subordinate Judges. The decision of the Revenue-officer will of course not alter the effect of the decree as between the parties to the suit in which it was obtained.

"The Hon'ble Babu Bhupendra Nath Basu's suggestion that they are liable to abuse and that it would be introducing a dangerous innovation, I can see no reason for this. I think it is important that very careful inquiry should be made before any Revenue-officer passes an order.

"I am, therefore, opposed to the omission of the whole clause, but I will move that the reference to '*ex-parte* decree' be omitted."

The motion was then put and lost.

The Hon'ble BABU BHUPENDRA NATH BASU moved that in clause 29A of the Bill the words "or in any decree which has been passed *ex-parte*, or which is proved to his satisfaction to have been obtained by collusion or fraud", be omitted. He said:—

"I will not go into the reasons because I have already explained them."

[Mr. Carlyle; Babu Bhupendra Nath Basu; Babu Kali Pada Ghosh.]

The Hon'ble MR. CARLYLE said:—"I have already given my reasons for refusing to accept this amendment in dealing with the amendment proposed by the Hon'ble Raja Peary Mohan Mukharji, and I do not wish to take up the time of the Council in again giving my reasons for rejecting it."

The motion was put and lost.

The Hon'ble BABU BHUPENDRA NATH BASU also moved that in clause 29A of the Bill, the words "or which is proved to his satisfaction to have been obtained by collusion or fraud" be omitted. He said:—

"It has been said that *ex-parte* decrees are often obtained without serving the summons of the Court, and consequently it would be injudicious and probably unsafe to attach the same importance to *ex-parte* decrees as a decree obtaind in a contested case, though, in the strict interpretation of legal principles, an *ex-parte* decree has the same force as a decree in a contested case; yet, I fully admit that there are cases where summonses are not served, and consequently the mischief that may be done by an *ex-parte* decree will be avoided if we re-open that portion which has been passed *ex-parte* and omit the portion 'or which is proved to his satisfaction to have been obtained by collusion or fraud.'"

The Hon'ble BABU KALI PADA GHOSH said:—"One of the arguments advanced as regards this point is, that the entry which the Revenue-officer will make will be evidence against the public, and therefore he can go behind a decree which might have been obtained by fraud or collusion and he may or may not accept this decree if he is satisfied that it was so obtained. Of course so far as those who are not parties to that decree are concerned, there may be much force in the argument, but as regards the parties themselves, I do not see how a Revenue-officer can go behind such a decree, which may have been passed years and years ago and he may make an entry against such a decree. It is objectionable in principle, and I submit, therefore, that the amendment proposed by the Hon'ble Babu Bhupendra Nath Basu should be accepted."

The Hon'ble MR. CARLYLE said:—"As regards the effect of a collusive or fraudulent decree, no entry of a Revenue-officer will affect any decision passed between the parties, but I must oppose the amendment for the reasons I have already given in dealing with the Hon'ble Raja Peary Mohan Mukharji's amendment."

The motion was then put and lost.

The Hon'ble BABU BHUPENDRA NATH BASU also moved that the following be added after clause 29A, namely:—

"Provided nevertheless that a Revenue-officer shall give effect to a decree of a Civil Court which is more than six years old and under which such land has been held by the landlord as his private land for a continuous period of six years."

He said:—"I move this amendment with some amount of confidence, though I must admit my confidence has been somewhat shaken by the vote on the previous amendment. Section 120 of the Act provides that—

> 'The Revenue-officer shall record as a proprietor's private land—
>
> (*a*) land which is proved to have been cultivated as *khamar, sirat, sir, nij, nijot* or *kamat* by the proprietor himself, with his own stock or by his own servants or by hired labour for twelve continuous years immediately before the passing of this Act, and
>
> (*b*) cultivated land which is recognized by village usage as proprietor's *khamar, sirat, sir, nij, nijjot, or kamat.*'

"So that whatever may be the antecedent history of the land, whether originally it was *khamar* land or other land, the tenants had a right to have occupancy rights in. If it is proved to a Revenue-officer that such land has been held for twelve years continuously by the landlord and cultivated by him, then I say that, notwithstanding anything which may have preceded this state of

[*Babu Bhupendra Nath Basu.*]

ngs, the Revenue-officer is bound to record this as the proprietor's private nd. If that be so, is it too much to ask my hon'ble friend to accept the inciple I now seek to place before the Council, namely, that if there has been decree of the Civil Court, either *ex-parte* or contested, and if in pursuance that decree the landlord has taken possession of the land as his private land the face of the whole village and in the presence of all the villagers, and for six continuous years kept possession of the land and cultivated the d as his *zirat* or *khamar* land, I say would it be too much to ask that the venue-officer should recognize such lands as the landlord's private lands? submit, with considerable confidence, that there is no objection to such land ing recognized as the landlord's private lands.

"If the decree is *ex parte* but if it is followed by possession, then the *ex-arte* character of the decree altogether vanishes; because as soon as the landlord kes possession the fact of the decree is brought home to the tenant. If the ecree is fraudulent or collusive, that only means that there is some sort of an rrangement between the tenant and the landlord for some ulterior object; the irect object not being the dispossession of the tenant in favour of the landlord. t can only be either collusion or fraud. I take collusion first; if it is collusion, hen, Sir, the meaning is that there is an underhand arrangement between the roprietor and his tenant, and that underhand arrangement is for the purpose of efeating some other right. That is collusion. We have instances like that in any phases of life, such as in *benami* transactions.

"I submit, however, that if, under a Civil Court decree, the landlord takes ossession under a so-called collusive decree and retains possession for six ears, and receives the profits of the land, certainly the presumption of collusion at once negatived. I say, with considerable confidence, that in such a state of ings my hon'ble friend will not be able to charge the landlord or the tenant ith collusion. There is no collusion nor fraud, because fraud means that he landlord obtains a decree in suppression of the tenant's rights, by some raudulent method: for example, A, a landlord, obtains a decree against B, whereas the real tenant is C, that is a fraudulent decree; but when A seeks to btain possession of the land against C, the latter is at once apprised of the fact hat there has been a fraudulent decree behind him, and then he has got the emedy which the general law provides, namely, that even after three years he an go and set aside the decree.

"It may be said that a collusive decree may be kept quiescent and may be rought up in time for the purpose of asserting a false claim, but the amend-ent which I propose is, that even if there is a fraudulent decree—a supposition hich I humbly submit under these circumstances which I suggest would be im-ossible—the man must come forward within three years from the time the decree s executed to assert his right; if he does not, his right goes. It may be said that o much time may elapse that the landlord may hereafter be prevented from roving fraud, but it is well-known that if a decree-holder makes default n executing his decree for three years he loses his right to execute the decree, nless he has made a previous attempt to execute and failed. Consequently, I ubmit this amendment to my hon'ble friend in charge of the Bill with onsiderable confidence.

"I am aware that cases have been known where powerful landlords have conducted themselves as to deprive their tenants of their just rights, ut I humbly submit the safeguards I propose would operate against such practice; and, Sir, powerful landlords are not very common in Bengal. n Northern Bengal and Bihar, we have to deal mostly with co-sharer land-rds or landlords belonging to the upper middle classes; but I say if the w, as it now stands, not only allows but makes it obligatory upon a Revenue-ficer to record the land as the landlord's private land if the land has been possession, it stands to reason that if there has been a decree of a Civil ourt *ex-parte* or otherwise and if that decree has been followed by possession nd used for six consecutive years, there is no reason why that decree should ot be recognized and given effect to and no reason why a Revenue-officer ould go behind such a decree and take evidence as to whether it was a audulent or collusive decree."

[*Babu Jogendra Chandra Ghosh; Mr. Allen; Raja Ban Bihari Kapur; Mr. Gordon; Mr. Carlyle.*]

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"I beg to support the amendment on the ground that a tenant, affected by a decree obtained by collusion or fraud, cannot after three years but be cognizant of the fact. My friend, the mover, has given sixty years; under the Limitation Act, the period is three years. Upon the wording of the amendment, when the land has been in possession of the landlord for six years that is sufficient notice. I submit that if this amendment is not carried the provision of the law proposed would go against the Limitation Act."

The Hon'ble Mr. ALLEN said:—"I should like to say a word with reference to the remarks of the Hon'ble Babu Bhupendra Nath Basu. He dwelt upon the fact of the possession of the landlord's private land as being some overt act which would be performed in the face of the whole village, but as a matter of fact the private land of a landlord is not as a rule cultivated by himself at all. It is usually cultivated by tenants very much in the same way as the ordinary raiyati land; the only distinction between the zamindar's private land and the ordinary raiyati land of the village being that the tenant does not get occupancy right in the former lands. Therefore, the argument that because the landlord has held this land as private land for a continuous period of six years therefore it must be recognized in the village as his private land falls to the ground, because the villagers would not necessarily know and would not probably know that the zamindar claimed this land as his private land."

The Hon'ble RAJA BAN BIHARI KAPUR said:—"I support the amendment. Every tenant in a village knows which is really private land and which is, what I may call, public land, that is land belonging to tenants; and it is a mistake to urge that the contrary is the case. Every tenant knows every inch of the land which is under cultivation and which is the zamindar's private land. Therefore, Sir, what my hon'ble friend has suggested that the six years' limit might be introduced has my full support; but I should like to say one thing more.

"With the permission of my hon'ble friend, there is some provision in the Act that if a tenant occupies the land for 12 years he acquires a right of occupancy. Here my hon'ble friend is proposing that even if the land was not his, but still if the land was occupied for six continuous years, that ought to be recognized as his private land. I should like to make a further amendment, if this amendment is lost, that this period may be extended to 12 years; and that when a tenant is able to acquire a right of occupancy by continuous possession for 12 years the zamindar should also be allowed, even if the land be not his own private land but used as such for a continuous period of 12 years, that he should acquire the right of occupancy as his private land."

The Hon'ble Mr. GORDON said:—"I should like to make one observation, because it seems to me that the Hon'ble Member who has put forward this amendment and the Hon'ble Member who has just spoken are under some slight misapprehension as to the actual state of the law. The law does not say that any proprietor who has cultivated land for 12 continuous years shall be able to claim it as his private land. It says that land which has been for 12 years immediately before the passing of the Act proved to have been cultivated as *zirat*, *khamar*, etc., shall be put down as private land. I think the Hon'ble Member who put forward the amendment argued that if land was cultivated by a proprietor for 12 years it became *ipso facto* his land, but I do not think that is the law; or that the proposition is correct that if a decree has been in existence for six years and for six years previously the proprietor cultivated the land, then you are only following the principle of law which provides for 12 years. The law is, that it must be distinctly recognized by village usage to be private land or have been cultivated as such for 12 years before the passing of the Act."

The Hon'ble MR. CARLYLE said:—"I regret I must oppose the amendment. The Hon'ble Raja Ban Bihari Kapur is no doubt quite right in saying

[*Mr. Carlyle; Babu Jogendra Nath Mukharji; Mr. Slacke.*]

very raiyat knows exactly what is private land and what is not; but raiyat in a village does not know what land has been converted into land, by a collusive or fraudulent decree. There is no more reason for g a collusive or fraudulent decree 15 years old than there is for accept- a decree only 6 years old. It must be remembered that we are with rights which affect the public and not merely parties to any case. ot think we should allow a limitation of 12 years only for the ion of such rights by a fraudulent or collusive decree. The present Act s that such rights must have been obtained 12 years before the Tenancy passed, namely in 1873. It is proposed practically to have a new period tation of 6 or 12 years, within which the proprietor may give rights e to the principle. This cannot possibly be admitted. As the Hon'ble llen has very well pointed out, there is no overt act to show that the is private land; that is a matter between the zamindar and the raiyat appens to cultivate the land."

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"I have been very sly considering this section and it seems to me that the decree of a Court in the present instance is not an ordinary decree of the Civil Court, invite the attention of the Hon'ble Member in charge of the Bill to n 120, clause (*3*), which provides that:—

'If any question arises in a Civil Court as to whether land is or is not a proprietor's land, the Court shall have regard to the rules laid down in this section for the ce of Revenue-officers.'

it seems to me that if a decree is sought to be obtained in a Civil Court, the Court is to be guided by the rules laid down for the guidance of Revenue- rs and these rules are contained in the previous part of section 120; hat unless those conditions are satisfied, I think it would be very ult for a Civil Court to come to the conclusion that the land in ion is *khamar*, *zirat*, etc., of the proprietor. There is a further condition hed to a question of this kind and that is contained in clause (*2*). In e (*2*) it is stated that:—

'In determining whether any other land ought to be recorded as a proprietor's private the officer shall have regard to local custom and to the question whether the land was the second day of March, 1883, specifically let as proprietor's private land, and to other evidence that may be produced; but shall presume that land is not a proprietor's e land until the contrary is shown.'

"It will appear that the privileges that the zamindar may claim under ter XI are fenced in with very many difficult conditions, and a Civil Court ot say that it shall not observe those conditions. Therefore, it seems to me f a decree has been obtained in a Civil Court, in respect of the zamindar's te lands, that decree to all intents and purposes serves as a decree ned in a Revenue Court.

'Now the question is, whether in this particular instance it can be said the decree is a decree which does not affect public rights and is y a decree between parties? It seems to me that as the Civil Court ot been given a very free scope in this matter and as the Civil Court proceed in the way a Revenue Court is to proceed in a matter of this I find it difficult to distinguish between the two. The only question has to be considered is, whether if a man has obtained a decree in the Court, satisfying all the conditions laid down in section 120 and been in possession for six years on the strength of that decree, he d not be allowed to get the benefit of such a decree. I think, Sir, proposals of my hon'ble friends, who have spoken in favour of the dment, have considerable force. To reject the amendment would be y encouraging litigation."

The Hon'ble MR. SLACKE said:—"My remarks will be confined chiefly to has fallen from the Hon'ble Babu Jogendra Nath Mukharji. He says he t understand how a Civil Court could possibly come to any conclusion ut reference to the procedure laid down for the guidance of Revenue- s. I think the Hon'ble Member forgets that Civil Courts decide on what is efore them and they have no means of discovering facts other than those

which are put before them, and therefore they are not in the same position as a Settlement Officer. Here is a case in point in which certain raiyats came into Court and relinquished possession of their lands, and, on the strength of their admissions, the Munsif decreed the land to be *zirat*, thereby placing the public at a disadvantage; though there was nothing save these admissions to prove that the land was *zirat*. I think, Sir, if the amendment which is proposed be accepted it would be dangerous; it would tend to increase the extent of the *zirat* lands and gradually most of the good lands of a village would became *zirat* lands of the proprietor and the public would be prevented from acquiring occupancy rights."

The Hon'ble BABU BHUPENDRA NATH BASU in reply said:—"With reference to the observation of the Hon'ble Mr. Allen, that I was probably not justified in assuming that the action of the zamindar in taking possession would be an overt act, I humbly beg to differ from him, notwithstanding his great experience of Settlement operations. It is a matter of common knowledge that the village-headmen know every inch of the ground in the village, trees, fences and water-ways. I have had some experience of village life, and I have never known a villager who has not been thoroughly conversant will all the tenures and all the particulars of his village. If Your Honour were to go down to a village, the Village Elder will show you the trees which belong to the tenants and landlords and boundary marks; and if a plot of land is held by a zamindar for six years as his private land I cannot conceive of the villagers not knowing it.

"In the next place, with reference to what the Hon'ble Mr. Gordon has said, it is quite true that the 12 years possession would have been before the commencement of this Act; and if I had omitted to state it it was unintentional and owing to inadvertence, but what I say is this: Why should there be a suspicion and a feeling of distrust against our Civil Courts in this Council? Is it for a moment supposed that the Civil Court will not take the evidence that they are bound to take under section 120? It is not an ordinary *ex-parte* money decree in which a man comes forward with his bond or promissory note and gets his decree; it is a decree in which a custom has to be proved, they daily crop up and are daily decided and are taken up from the Munsif to the High Court and sometimes to the Privy Council. In customs of great intricacy, such as in cases of adoption of affiliation of parentage and various other things, there are certain recognized rules in the Evidence Act. Even in an *ex-parte* suit, to establish an adoption a Civil Court will not give a decree declaring somebody to be an adopted son, merely upon the *ex-parte* statement of an individual; it will require evidence and evidence of the closest kind before it gives a decree.

"Take the custom of primogeniture or succession by daughters' sons, or the custom of *shibartship* prevailing in a certain family. In these matters, Civil Courts are excessively jealous, very much more jealous than Executive Officers are and more jealous in an *ex-parte* suit than in a contested suit. What I was saying is this: the same conditions which must be proved before a Revenue-officer have got to be proved before the Civil Court. Why does my friend suppose the Civil Court will be less strict than a Revenue-officer in requiring the requsite amount and quality of the elements to establish that right?"

The motion being put, the Council divided:—

Ayes 7.	*Noes 11.*
The Hon'ble Babu Jogendra Nath Mukharji.	The Hon'ble Mr. Slacke.
The Hon'ble Babu Bhupendra Nath Basu.	The Hon'ble Mr. Gupta.
The Hon'ble Babu Radha Charan Pal.	The Hon'ble Mr. Collin.
The Hon'ble Babu Jogendra Chandra Ghose.	The Hon'ble Mr. Carlyle.
The Hon'ble Raja Ban Bihari Kapur.	The Hon'ble Mr. Inglis.
The Hon'ble Raja Peary Mohan Mukharji.	The Hon'ble Mr. Gait.
The Hon'ble Babu Kali Pada Ghosh.	The Hon'ble Mr. McIntosh.
	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.
	The Hon'ble Mr. Spink.
	The Hon'ble Mr. Bertram.

So the amendment was lost.

[*Babu Kali Pada Ghosh; Babu Jogendra Chandra Ghose; Mr. Carlyle.*]

The Hon'ble BABU KALI PADA GHOSH moved that in sub-section (*3*) of section 120, in clause 29A of the Bill, the words "or which is proved to his satisfaction to have been obtained by collusion or fraud" be omitted.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by way of amendment, moved that in sub-section (*3*) of section 120, in clause 29A of the Bill, the words "has been passed *ex-parte* or which" be omitted. He said:—

"I beg leave to move this amendment which the Hon'ble Mr. Carlyle said would be accepted if altered."

The Hon'ble MR. CARLYLE said:—"I accept the amendment."

The motion was then put in the amended form and agreed to.

Clause 30.

The Hon'ble MR. CARLYLE moved that sub-section (*3*) of section 147A, inserted by clause 30 of the Bill, be converted into a proviso to sub-section (*2*) of the said section, and sub-sections (*4*), (*5*) and (*6*) be re-numbered (*3*), (*4*) and (*5*), respectively. He said:—

"This is only a drafting amendment, which I have no doubt the Council will accept."

The motion was put and agreed to.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE moved that in sub-section (*3*) of the new section 147A, to be inserted by clause 30 of the Bill, the following words be inserted after the word "Act," namely:—

"except when the Court is satisfied in case of an agreement or compromise about rent, that the rent agreed upon is fair and equitable, although the terms of the agreement or compromise are such that if they were embodied in a contract, they could not be enforced under this Act."

He said:—"I take the words of my amendment from section 109E. As this section stands, Your Honour will see that any agreement or compromise which contravenes the provisions of section 29 of the Tenancy Act, that is, which gives the landlord a rent of more than two annas in the rupee, cannot be taken cognizance of by the Civil Court, but in section 109E, which has already been passed, we find this—

Power of Revenue-officer to settle rents on agreement.

'Notwithstanding anything contained in section 109D, if in any case, while the record is being prepared, the landlord and tenant agree as to the rent which shall be recorded as payable for the tenure or holding, a Revenue-officer especially empowered in this behalf by the Local Government may, if he is satisfied that the rent agreed upon is fair and equitable, but not otherwise, settle such rent as a fair and equitable rent, although the terms of the agreement are such that, if they were embodied in a contract, they could not be enforced under this Act; and the provisions of section 113 shall apply to a rent so settled.'

"All that I propose is, that what has been provided for in section 109E should also be provided for in section 147A. If a Revenue-officer can take cognizance of such agreement when he is satisfied that the rent agreed upon is fair and equitable, I do not see why a Civil Court, when it is satisfied that the rent agreed upon is fair and equitable, should not have power to give effect to such an agreement? I submit that this is an anomaly which should be remedied."

The Hon'ble MR. CARLYLE said:—"I regret that the Government cannot accept this amendment. There is a specious appearance of fairness about it, which may perhaps appeal to some of the Members of Council. It may be urged that, if Revenue-officers can give effect to an agreement or a compromise regarding rent, where they consider it fair and equitable, why should not Civil Courts also have this power? My answer is, that a Civil Court has absolutely no means of determining whether the terms are fair and equitable. A Revenue-officer has to deal with the whole area under settlement. He is constantly going about, and he is intimately acquainted with the circumstances

[*Mr. Carlyle; Raja Peary Mohan Mukharji; Babu Jogendra Chandra Ghose.*]

of each village he deals with. For him there should be no difficulty in deciding whether the rent is on the whole fair and equitable or not. As I have already said, a Civil Court has no material whatever which would enable it to decide the question. I must accordingly ask the Council to refuse to accept this amendment. I am making no attack on the Civil Courts, but simply pointing out that they have no opportunity of judging of the fairness of a rent, while the Revenue- officers have."

The motion was put and lost.

The Hon'ble RAJA PEARY MOHAN MUKHARJI, by leave of the Council, withdrew the motion, standing in his name, that in clause 30 of the Bill, sub-section (*5*) of the new section 147A, be omitted. He said:—

"The arguments that I intended to address to Your Honour with reference to this omission have already been addressod by me with reference to clause 24, section 3; and as they have not been accepted by Government, I do not wish to repeat and press this argument over again with reference to this clause I therefore withdraw the amendment."

Clause 31.

The Hon'ble MR. CARLYLE moved that in the new clause (*bb*) to be inserted in section 148 of the Act, by clause 31 of the Bill, the words from "unless the Court is" to the words "furnishing such statement" be transferred to the end of the clause after the word "record-of-rights", and that the words "list and" be inserted after the words "furnishing such". He said:—

"This is a purely drafting amendment, which I have no doubt the Council will accept."

The motion was put and agreed to.

Clause 32A.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE moved that clause 32A be omitted, and that to section 143 of the Act the following proviso be added, namely:—

"Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall at the time of presenting his application either deposit in the Court the amount due from him under the decree, or in pursuance of the judgment or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment as the Court may direct.

"Where a person has become liable as surety under the above proviso, the security may be realized in the manner provided by section 253 of the Code of Civil Procedure."

He said:—"The words are taken *verbatim* from the Provincial Small Cause Courts Act. I think this is the proper place where the provision about setting aside a decree under section 108 should be inserted, and I further submit that the provisions of section 153A do not seem to me quite logical. It says:—

'Every application for an order under section 108 of the Code of Civil Procedure to set aside a decree passed *ex-parte*, or for a review of judgment, under section 623 of the said Code, shall contain a statement of the injury sustained by the applicant by reason of the decree or judgment;

and no such application shall be admitted—

(*a*) unless the applicant has, at or before the time when the application is admitted, deposited in the Court to which the application is presented the amount, if any, which he admits to be due from him to the decree- holder, or such amount as the Court may, for reasons to be recorded by it in writing, direct; or

(*b*) unless the Court, after considering the statement of injury, is satisfied, for reasons to be recorded by it in writing, that no such deposit is necessary.'

[*Babu Jogendra Chandra Ghose; Mr. Carlyle; Babu Kali Pada Ghosh; Babu Bhupendra Nath Basu.*]

"The statement of an injury is a very superfluous thing, and the provision of clause (*b*), that if from the statement the Court is satisfied of an injury, seems to place the applicant under a great disadvantage. In cases like this, the tenant should be allowed either to deposit the money or to give security to the satisfaction of the Court. I submit that the provisions of the Provincial Small Cause Courts Act should be adopted in this Act in their entirety."

The Hon'ble MR. CARLYLE said:—"I must ask the Council to reject the amendment proposed by the Hon'ble Babu Jogendra Chandra Ghose. To allow an additional element of litigation to be introduced by permitting the giving of security will, I think, not commend itself to Council. The object in rent-suits is to make the proceedings as simple and speedy as possible, and I am afraid the amendment proposed by my hon'ble colleague would have the opposite effect. I would also point out that, under the Hon'ble Member's proposal, the alternative to furnishing security is deposit of the full decretal amount. In some cases, it might be impossible for the tenant to find the money, and such a provision would then amount to denial of justice. I can see no reason why discretion should not be left to the Court, as proposed in the Bill."

The motion was put and lost.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE also, by leave of the Council, withdrew the motion, standing in his name, that, if the above amendment be not carried, the above proviso be substituted for section 153A, omitting the words "Provided that" and inserting the word "every" before the word "applicant."

The Hon'ble MR. CARLYLE moved that in the new section 153A, to be inserted by clause 32A of the Bill, after the word "Code" the words "in a suit between a landlord and tenant as such" be inserted. He said:—

"The amendment I propose supplies an obvious defect in the wording of the section as submitted by the Select Committee."

The motion was put and agreed to.

Clause 33.

The Hon'ble BABU KALI PADA GHOSH moved that section 158A, in clause 33 of the Bill, be omitted.

The Hon'ble BABU BHUPENDRA NATH BASU moved also that clause 33 of the Bill be omitted.

The Hon'ble BABU KALI PADA GHOSH said:—"This clause introduces an altogether new principle into the Rent Act of the Province, and I may say much of the agitation against the Bill centred on this clause. Opposition came not only from persons representing the tenantry, but also from a body of land-holders in the Province. When this clause was taken up in the Select Committee, it was hoped that in view of the decided opposition to it and of the strong dissent which was expressed by two of the Hon'ble Members—Babu Bhupendra Nath Basu and Babu Jogendra Nath Mukharji—that the Select Committee would have seen their way to recommend the omission of this clause or at least make such modification as would make it acceptable to the general public. Some modifications have been made, but those modifications certainly do not take away the objectionable feature of this clause. I submit that this clause is objectionable on principle and so far as practical expediency goes it is equally objectionable, if not more. I say it is objectionable in principle because we find that although this clause has been inserted simply for the benefit of the landlords, but the way in which this clause has been drafted does not, I think, extend the benefit to the general body of landlords.

"It is laid down that an application can be made under this section to the Local Government through the Collector and that the application may be

allowed or refused and certain conditions may be laid down, but in no case any reason shall be assigned for the action of the Local Government. As a matter of fact, when an application is made to the District Officer it will be in the usual course forwarded to the Local Goverment; but we have reason to believe that the decision of the Local Government will practically rest on the report of the District Officer, so it will practically rest with the District Officer to allow such a prayer or to refuse it.

"Now, Sir, a landlord may be a perfectly good landlord, but he may not be in the good graces of the District Officer; and it may so happen that when he makes an application under this section his application may be rejected, and he may not be informed for what reasons it was rejected. We understand that the criterion for deciding a point like this would be the landlord's conduct, and if that be so, then the rejection of an application means that the landlord is not a landlord with a good conduct. If that be so, I think, Sir, very few landlords, with their ideas of self-respect, will avail of the remedy which this section proposes to give them. The method of selection will create an invidious distinction amongst landlords. And I further submit that it is also objectionable in principle from the tenant's point of view. This section practically ousts the jurisdiction of the Civil Court in a matter which may come within the pu view of this clause. Hitherto, Sir, all rent-suits were tried by Civil Courts, and we were not aware of any such procedure in our Rent Act.

"Now some cases will not be tried by the Civil Court but by a Certificate Officer. We know also that the Certificate Procedure will be summary, and the tenants may not have before the Certificate Officer their defence sifted so thoroughly as they can now have in the Civil Courts in an ordinary rent-suit. The tenants may very properly object to this section because it introduces a new principle, a principle which is objectionable so far as their interests are concerned. Then as to the practical expediency of this section. The true reason for inserting this clause is, to secure to the landlords a speedy remedy for realizing their rents. The question is, whether the clause secures that privilege to the landlords; and to determine a point like this brings us to the consideration of some sections of the Certificate Act, where a certain procedure has to be followed before a certificate can be made absolute.

"Those who have practical experience of the working of the Certificate Act are aware that, to avail oneself of the Certificate Procedure, one must file a requisition before the Certificate Officer, and when that requisition is filed the Certificate Officer has to satisfy himself as to whether the amount claimed is justly recoverable or not; and when he is so satisfied he makes a certificate and issues notice, giving 30 days' time. So, to start with in this Certificate Procedure, the tenant will have to be given 30 days' time to file his objection to the certificate; and then when he files his objection the Certificate Officer can dispose of it, or if the application of objection contains any *bonâ fide* claim of right then the Certificate Officer will have to refer the matter to the District Collector who can cancel the certificate if he likes: but supposing the officer makes the certificate absolute, the tenant, the judgment-debtor, will have a right of appeal, and in fifteen days he can appeal; and when the appeal is decided then he has another remedy and that is, that within six months from the date of the disposal of the appeal he can file a civil suit for cancelling the certificate.

"Is this a speedy procedure as compared with the procedure under the Act? In a rent-suit, 14 days' time has to be given to the tenant for filing his written statement, and in certain suits where the amount claimed is below Rs. 50 and when such suits are tried by judicial officers specially empowered in that behalf, the decision is final, and I believe section 153 of the Bengal Tenancy Act lays down such a provision: but when we find that in place of 30 days 14 days is only necessary in a rent-suit and an order of Court is final, then can we say that the Certificate Procedure will be a speedier procedure than the procedure which has now to be observed. I do not see that any practical advantage will be gained by the landlords by adopting this procedure, whereas this procedure as laid down operates with hardship on the tenants as a class.

[*Babu Kali Pada Ghosh; Raja Peary Mohan Mukharji; Mr. Bertram.*]

"Sir, certificates are now-a-days allowed in respect of demands which are of a public character, in which an officer or authority making the requisition has no sort of personal interest as they are either the Managers of Government Estates or officers of similar description. They cannot be said to have any personal interest in the amount which is claimed; whereas in the case, which will come under this clause, it cannot be said that the landlord has no personal interest in the requisition which will be filed on his behalf. It is too much to expect that a landlord will have time enough to go through all the details of a requisition, and it is not possible that he will himself verify the accuracy of all these details made in a requisition. The matter will have to be entrusted to his *amlas* and *gomastas*, and most of them may be low-paid *amlas*; they may not be above suspicion, and it may happen that several of these entries in a requisition may be prejudicial to the interests of raiyats and the summary procedure to the landlord may carry victory. I submit that considering the fact that this section will not give any speedier remedy to the landlord and the fact that the general body of the landlords will not benefit, and on the other hand that the interests of the tenantry as a class will be jeopardised by this clause, I submit that it ought to be omitted."

The Hon'ble RAJA PEARY MOHAN MUKHARJI said:—"I am unable to appreciate the force of the argument that, because the privilege which Your Honour's Government propose to give to landholders under this clause has been safeguarded, by certain conditions and restrictions, that the clause should be eliminated from the Bill. It is avowedly an experimental measure. If the experience of its operation be found to be satisfactory, Government would doubtless have no objection to modify and extend it. It is a valuable privilege for which the landholders should be grateful to the Government. Hon'ble Members have attempted to discredit the clause on the ground that in the hands of low-paid zamindari *amlas* it may prove an engine of oppression; and it has at the same time been urged that the clause does not give adequate facilities to the landholders for speedy recovery of their rent, inasmuch as the raiyat could keep his landlord at bay by protesting against the certificate to the Collector and by instituting a suit in the Civil Court to contest it. For the purpose of attacking the clause, Hon'ble Members have been compelled to blow hot and cold in the same breath. When Government has found the procedure satisfactory for recovering their dues, I do not see why landholders should not find it equally satisfactory."

The Hon'ble MR. BERTRAM said:—"I have not intervened in this debate, but this clause seems to be one to which there is a great deal of opposition all over the country; and when one hears the representations of the non-official Members who have spoken on this subject, one cannot but come to the conclusion that there must be something very unanimous in the opposition to this measure and it shows that that opposition is very strongly backed. It seems to me that the proposed provision is radically wrong, and unless Your Honour or the Hon'ble Member in charge of the Bill can tell me of any other part of the world where the Government goes out of its way to give such privileges to the temporary owners of the soil, I shall certainly not vote in favour of the proposed change.

"It seems to me that, by this provision, the Government are going to offer a bribe to the zamindars in the hope of collecting revenue quicker; they are certainly giving them facilities to be able to screw the noses of the poor tenants. If this is passed, the landlords will be very sure to get their revenue, and at a very early period, by the Certificate Procedure which was spoken of. Of course, all landlords are strongly in favour of it; the tenants are the poor people who will suffer. Your Honour will say that it is good that the landlord should have his books made up to the satisfaction of the Revenue-officer; still I say the tenant is the one who will suffer, because when the law is put on to him in that strong way the poor wretch will have no mercy; he will be sold up neck and crop, whereas if he goes to the Court he will get justice. We are told you will have quiet in the Mufassal and that the landlords are all in favour of this. It is a mistake on the part of Government

to have incorporated this in a Rent Bill. They should not have incorporated it in an amending Act, because this being an experimental measure must unsettle the minds of all tenants all over the country."

The Hon'ble RAJA BAN BIHARI KAPUR said:—"Your Honour, I beg to thank the Government for understanding the grievances of the landlords and for arriving at the conclusion that a summary procedure is really necessary to be granted to the landlords, for the speedy realization of their rent from their tenants.

"The cumbersome and expensive procedure which the landlords have to follow at present, for the realization of their just dues, is very tedious and troublesome; and I need hardly say that, in the ordinary course, it takes more than three years to get money from the date of institution of a rent-suit in contested cases. Then, again, in the case of wicked well-to-do and designing tenants, it takes six years or more to get the money due, after protracted litigation in every stage of the progress of the suit and the execution of decrees. It is an admitted fact that this kind of litigation is very costly and ultimately the tenants have to pay a good deal more than it was necessary for him to do, had he not taken upon himself the pleasure of opposing the zamindar

"The Certificate Procedure will prove a much speedier machinery for the realization of rent. It is comparatively less costly to the landlords and the tenants alike, and any measure which lessens the cost of the procedure for collection of rent from the tenants must be in the long run more suitable to them than a ruinously costly and lengthy procedure.

"The Summary Procedure which is to be introduced in the Statute Book is really a welcome inauguration of the legislator, and as such I, for one, must heartily move that the clause under discussion be accepted by the Council and passed into law. In this connection, Sir, I cannot help observing that the Summary Procedure, when it becomes law, will serve as a boon to those landlords who will have the good fortune of getting the privilege from the Government for its use in their zamindaries. But, Sir, at least as far as Bengal proper is concerned, it cannot expect to enjoy this advantage for another twenty to twenty-five years; because, above all other consideration, the condition which must be satisfied before one can hope to get the boon is that the properties must be surveyed, a record-of-right prepared and finally published, and an agency is provided for for the maintenance of the records. Thus it will be seen, Sir, that the advantage is only remotely prospective and is not so very easy to obtain.

"Then, Sir, speaking personally, I, for one as a small zamindar, will never reap the benefit which I have the honour of trying to secure for the landlords of the Province; because, in my time, the arrangement necessary for granting the permission for the use of the Certificate Procedure will never be completed. Then, Sir, the Summary Procedure like, everything else, has both its advantages and disadvantages; and it is not an unalloyed blessing on the whole to those who will have the privilege of using it. The working of the system will most probably require further amendments when the procedure is put into actual working, especially as we have combined the procedure of Chapter XIV of the Bengal Tenancy Act, for the execution of the decree with sub-clause (5). But this must be left, Sir, for the gentlemen who come after us; therefore, I refrain from discussing this point further.

"Your Honour, some of my colleagues have remarked that the Government should not make any distinction among the zamindars, even at the beginning by granting the privilege of using the Summary Procedure to some and refusing it to others; and that the words 'bad zamindars' and 'good zamindars' have unhappily been used in discussion. But, Sir, the fact must not be lost sight of that a zamindar must have all his zamindari papers and records properly kept up and the settlement records properly maintained, before he can ask the Government for the privilege of using the Summary Procedure; and this is

[*Raja Ban Bihari Kapur.*]

meant for all zamindars, big or small, and bad or good. No distinction can possibly be made as far as this important point is concerned. Secondly, he must prove himself to be a good zamindar according to the Government standard, before he can expect to get the use of the Summary Procedure.

"There is no doubt, Sir, that the Government have the right to judge and distinguish between different classes in the community, and I do not, therefore, see why the Government should not make a distinction between good and bad landlords. Besides, Sir, this very fact when it becomes widely known to the zamindars, I feel will have a salutary effect upon them, as many landlords that are now in the bad books of the Government and are noted by the officials as bad landlords, would try to mend their ways and in time become good zamindars. So this distinction would really have the effect of gradually inducing the zamindars to try to become good according to the Government standard. Therefore, Sir, instead of finding fault with the clause, I think it to be most wholesome, and as such I strongly support the Bill on this head.

"Then, again, any person whose conscience is not clear and whose record is not properly kept, need not take the advantage of the Summary Procedure. He can follow the ordinary course, considering that it is entirely optional with the landlord to ask for the Summary Procedure or not. Sir, many critics have asked why the zamindars should be helped by the Government in speedy realization of rents from their tenants? Why should Summary Procedure be granted to them? They forget that while the zamindars have to make the payment of their revenue to Government in a given time (under the sun set law) the zamindars are not able to collect their rents for years together. It is to remove this hardship that the Government must help the zamindars in the speedy collection of their rents."

"Besides, Sir, the persons who profess themselves to be the friends of the tenants should bear in mind that it is also good for the tenants if they be induced to pay up their rents quickly and thus avoid the accumulation of interests on, and the addition of costs of litigation to, their rents. As the speedy realization of rents would help both the landlords and the tenants, the Government must help the zamindar in realizing their just dues; while protecting the tenants from unlawful exaction. Besides, Sir, the zamindar pays his revenue in a lump sum in four *kists* to the Government, thus saving the Government the trouble and expense of direct management and the writing-off of bad debts and the granting of remission, which are inevitable when a property is managed *khas*; surely all these require some consideration.

"Then, Sir, the local authorities form the connecting link in the management of the whole Empire. The zamindar, if he chooses to do good to his country and people, can do so very well if he is wise enough to keep himself in touch with the District Officers. It cannot be denied that the District Officer is the person through whom the Government can know the zamindars individually. A zamindar can see his District Officer often if he desire to do so, and the Commissioner less often; while he can approach Your Honour very rarely: therefore, it follows, Sir, that if a zamindar wants to be in the good books of the Government he should work in harmony with and seek the advice and help of the District Officer, if he require any, and be ready to help the District Officer whenever he can. Surely, I cannot agree with the remark which has been made by my hon'ble friend, Babu Bhupendra Nath Basu, that the zamindars try to curry favour with the Government officers, simply with a view to obtain some recognition from the Government with their help: this is casting a slur on his brother zamindars.

"I venture to state with your permission, Sir, that what the Government want is, that the zamindars should be fair and just in all their dealings with their tenants, upright, candid and well-behaved; and that they should be fair and above-board in all their actions, be on good terms with the District Officers and all men of the district and treat their tenants kindly.

"Your Honour, I will not detain the Council very long: there is one point only which I wish to touch upon, Sir—nothing has been done in the present

amended Bill to relieve the difficulty of the landlords who will not have the good fortune of using the Summary Procedure, nor has anything been done to make the present procedure cheap and less cumbersome.

"Besides, Sir, nothing has been done to remove one of the chief defects of all such proceedings, *viz.*, the mode of process-serving to which a good deal of importance is attached. I need hardly say, Sir, that on account of the absence of the improvement on this particular head, we are really left where we were when the amendment of the Tenancy Bill was taken in hand. Further, most of us must continue to labour under all the usual disadvantages for at least another 20 or 25 years, because we cannot use the Summary Procedure which we are providing for in the Act until the Province is surveyed and Settlement is concluded. Therefore, Sir, I venture to state that sooner or later this process-service question will have to be taken up in the Council and some further amendments will have to be made."

The Hon'ble BABU JOGENDRA NATH MUKHARJI said :—"Though my amendment comes after that of the Hon'ble Babu Bhupendra Nath Basu, I have been asked by him to submit my observations before he takes up the question. I have submitted the chief points of my case in the Note of Dissent which has been appended to the Report of the Select Committee, and I do not think I should be justified in taking up the time of Hon'ble Members by going over the same ground again. I will, however, touch upon a few points which have arisen in the course of the debate, and to those points I beg to address myself.

"The first point that I take up is this: that we, the opponents of this measure, are told that we are blowing hot and cold. We have said that it is a measure which is not calculated to give adequate relief to the zamindars, and it is a measure which is calculated to put the raiyat in a difficult position. I think anybody who takes an impartial view of the situation will agree with me in thinking that these two aspects of the question are really what we have stated them to be, and that we are not really blowing hot and cold. In this respect, I have been supported by my hon'ble colleague, Raja Ban Bihari Kapur, who says that the measure is not an unalloyed blessing to the zamindars; so that what my hon'ble opponent has said is perhaps without any basis or foundation.

"In the course of our deliberations, in connection with this Bill, we received a letter from some one in the District of Muzaffarpur, who says that he is a zamindar and that he has taken up certain questions on behalf of the raiyats. I can, therefore, submit to Hon'ble Members that it is quite possible for a man who has landed interest to say that the Bill, so far as this portion is concerned, does not operate entirely in favour of the landholders. The fact stands thus: a zamindar who has a long purse and a big zamindari is always in a position to bring down on his knees a recalcitrant raiyat who shows fight, and it is not often that a big landlord is brought down on his knees by a fighting raiyat. It is just the other way about. The zamindar can afford to wait, and when in the end, if he has a good case, he wins; the raiyat is dead by that time. I mean dead from a financial point of view. The small proprietors will have no chance of coming under this section, they are the men who are likely to suffer even without the Certificate Procedure and their case will now stand precisely as before. If the argument that is advanced by some of my friends that our zamindars, who pay Government revenue, ought to be placed in a position in which they can collect their rent quickly is to be accepted, it should be held to be a principle more applicable to the case of small proprietors than to the case of big zamindars. Therefore, I submit that the proposed section will not affect the situation, so far as affording relief to the main body of zamindars is concerned.

"There is another point and it is this: when a zaminder pays his revenue to Government he pays it on the expectation of certain profits, and it is contrary to all principles of ordinary law of property that he should avoid all trouble and that the State should collect his money for him. For instance, if I lend a person Rs. 5,000 or Rs. 500, say at 9 *per cent.* interest,

[*Babu Jogendra Nath Mukharji; Mr. Carlyle.*]

I cannot say here is my money, and when the borrower will refuse to pay Government will have to recover it for me. That will be a very preposterous idea. Some such idea is latent in this section. The zamindar says: 'I pay Government revenue, rent is due to me from certain tenants, but because there is trouble involved in putting them into Court Government must recover the rent for me.' Government does it in a way in all cases, but on evidence. This is a matter which must not be lost sight of. I may further say that the margin of profit that was left to the zamindars at the time of the Permanent Settlement was left to them because they undertook to collect the rent from the tenants, and in view of the trouble they undertook to go through in collecting the rent they were given 10 *per cent.* by the State. It was not a gratuitous act on the part of zamindars. That profit of the zamindars is perhaps 50 times more now. The value of land has gone up and the profit, where it was Rs. 10 at the time of the Permanent Settlement, is now perhaps Rs. 200 or Rs. 500; so that it does not do for the zamindars to say that, because they have to pay revenue, all evidence, must be done away with? Then I must submit that the section as it has been framed is not an unmixed blessing, as has been admitted by the Hon'ble Raja Bau Bihari Kapur.

"As I read this section, I see before me practical difficulties which will probably work against the zamindar. One is about limitation. Under the Bengal Tenancy Act, he can sue for four years' rent in one suit. Although certain sections have been extended to the Certificate Procedure, under section 158A, yet the schedule regarding the Law of Limitation remains the same as before; and as the procedure under section 158A is not a suit that the Law of Limitation will not apply. No argument will convince me that the zamindar will not suffer thereby. When the position is this, that this measure, for certain superficial reasons, recommended itself to a certain class of zamindars or gentlemen who had the good fortune to be consulted, but upon further examination of the principle underlying it great difficulties have been disclosed. It should not be that, because upon a superficial consideration sanction was given to it by some zamindars, we should stick to that sanction in spite of the difficulties that may be seen. I am not one of those who wish to throw any obstacle in the way of zamindars, but my wish is, that everything should be fair and square; that things should not degenerate, and that the law should not be in such a state as to put temptation in the way of ill-paid officers of zamindars.

"As regards supervision, I may say that I cannot think of any means to devise a machinery by which Government can undertake to keep control over zamindars, who have been given power under this section. The mere record-of-rights is not enough; the record simply determines the rent that is paid but the amount of rent that is paid, month by month, or quarter by quarter, is not entered in the record-of-rights. We all know that *amlas* have to be satisfied, and I do not think Government can devise any means by which the difficulties arising out of this state of things can be met. The result will be that first will come the attachment and the hearing afterwards. This is a state of things, Your Honour can easily understand, will bring the raiyats down on their knees. They will probably then think of avoiding all their troubles by paying tips. That will be the result to which they will have to submit. Even the zamindars, many of them very good and kind-hearted men, will not be aware of what is going on. The matter now before this Council was considered by many eminent Civil Servants, and many of them did not approve of the principle of this Bill, and those who approved of the principle of the Bill did so with considerable reservation. Taking a broad and impartial view of the question, Your Honour and the Hon'ble Members of this Council will perhaps have no difficulty in coming to the conclusion that, it is a most dangerous experiment that is being tried under colour of this section. With these remarks, I beg to support the motion."

The Hon'ble MR. CARLYLE said:—"I must, on behalf of the Government, oppose the amendment of the Hon'ble Babu Kali Pada Ghosh. Before I deal with this amendment, I must express my surprise that several of the Hon'ble

Members who have spoken should wish to have all rent-suits tried by the Civil Courts. I would like to bring it to the notice of the Hon'ble Mr. Bertram that in Bombay, under the Bombay Land Revenue Code, superior holders are entitled to collect their rents by Summary Procedure, and I would refer him to the Calcutta Small Cause Court Procedure. I do not wish to go in detail into the history of the question. Lord Kimberley, in paragraph 10 of his Despatch No. 24, dated the 23rd June, 1885, on the Bengal Tenancy Act, expressed his regret that it had not been found possible to give greater facilities for the realization of rent by an abbreviation and simplification of the procedure of the Civil Courts, but most Members of Council know that Government long ago promised, if possible, to provide zamindars with some more speedy methods of recovering rent than they have now got. The difficulty has always been to provide safeguards, which would prevent a Summary Procedure from being turned into an engine of oppression. I believe that the provisions of the Bill have solved the problem, and, if so, it would, I think, be wrong and contrary to the repeated statements of Government now to withhold from zamindars the boon so long asked for.

"I would also point out that, even from the point of view of the raiyats, these provisions should prove a boon. Costs will be reduced; and as in the great majority of cases rent-suits are decided against raiyats, the greater part of the benefit will accrue to them. I hope also that if the provisions regarding the Summary Procedure prove a success, it will have a great effect in bringing zamindars to keep their accounts in better order than is now the case. I do not of course refer to the numerous large and well-managed zamindaris which do exist in the Province, but in a great majority of the zamindaris, I think, I am not wrong in saying that accounts are not properly kept, and it would be a great inducement to improve this state of things, if the zamindars knew that by keeping their accounts properly, they would be able to reap the benefit of the provisions now under discussion. I will close by reading the remarks of a zamindar, Babu Raghunandan Prasad Singh, on this section. He says:—

'The introduction of the certificate system to realize rent with proper safeguard will benefit also raiyats who have to pay heavy cost of rent-suits and execution proceedings when a suit to realize rent is instituted; whereas in the certificate system of payment they will have to pay only one process-fee.'

"I may also add that they will not have to pay the fees at the time of the institution and hearing of the suit and the execution of decree as is at present the case in rent-suits. As regards the question of limitation, I think the Hon'ble Babu Jogendra Nath Mukharji is in error. As I understand Article 2 of Schedule 3, the limitation will be exactly the same whether the suit is under the Civil Court Procedure or under the Certificate Act. As regards the political objection, I will only say that, if the provisions are not successful, the Government cannot make use of it as a political weapon. As regards the Hon'ble Raja Ban Bihari Kapur's remarks that very little good will be done at present because nothing has been done to improve process serving, I agree that there are great difficulties at present, but we are attempting to improve the process of serving and I hope in a few years there will be a great difference in the present state of things."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"My hon'ble friend, Mr. Bertram, has said that this is an attempt to bribe the zamindars. I will not follow him in that language, but with the courtesy of an Oriental I will call this not a bribe but a bait; and notwithstanding what I have heard from my hon'ble friends, the two leading zamindars of this Province, I still adhere to my opinion. For nearly 20 years now or more, the zamindars have tried to obtain this privilege from Government and this has been up to now denied to them. After 20 years, a privilege is sought to be conferred upon the zamindars and why? My friend, the Hon'ble Raja Ban Bihari Kapur, says that the zamindars of Bengal are in a very bad way. It is stated that there ought to be some compensation to the zamindars for the sunset law; one can understand the argument but such is not the fact, and I do not think that because the Government is supposed by our zamindars to be hard on them, that they should be allowed to oppress their raiyats.

[*Babu Bhupendra Nath Basu.*]

"I am reminded of a story which is well-known among my own community, where a poor clerk in a Government office used to get a great deal of abuse and ill-treatment from his superiors. Being unable to vent his feelings on him, he used to come home in the evening and vent his feelings against his poor and unoffending wife. I am afraid that is the position with my friends, the landlords of Bengal, who believe that they have got a grievance against Government for the sunset law; and they now want the license of Government to go forth amongst their tenants and oppress them in their turn.

"The Land Revenue of Bengal was settled more than a century ago on a permanent basis. The rent from land has grown by enormous bounds, the Government portion has remained fixed and stationary. Have the landlords any right to complain? European capitalists have sunk their capital in our country; trade and commerce have increased the value of land; railways have enabled the produce of the country to be exported, and the value of land has risen enormously. Does it lie in the mouth of the zamindars to turn round and say that the Government of Bengal have treated them badly and that therefore they should be allowed to treat their raiyats badly? I suppose, Sir, that no man in his senses would for a moment put forward such an argument.

"If the conditions of the country were investigated and inquired into as they existed in the year 1793 and as they exist in the present year of grace 1907, it will be found that the benefits which the landed classes have derived from the Permanent Settlement have been enormous; but apart from that, in what connection is it that my friend, the Hon'ble Raja Peary Mohun Mukharji, says that we have been blowing hot and cold. I can assume that it has been very far from our intention to do so. What we have said is, that if there are powerful raiyats who can combine to oppose the landlords the new procedure will help them.

"The difficulties which a refractory tenant may throw in the way of the landlord have been well put by my friend, the Hon'ble Babu Jogendra Nath Mukharji, and I will not repeat them. They are known, I believe, to most Members of Your Honour's Council. They may not be known to my friends, the representatives of trade and commerce in this Council, but they may take it from me that if a raiyat has got the means he can hold the zamindar at arm's length for a much greater period under the Certificate Procedure than he can under the Tenancy Act; but Your Honour knows, and my friends in Council know, that powerful tenants, specially in the Western Province of Bengal, are not very common commodities; combinations among them are not frequent as in the sister province of Eastern Bengal and that the vast majority of our tenants are poor and law-abiding people.

"Then, Sir, that being the state of things, so far as powerful landlords are concerned, you propose to hand over the raiyats, bound hand and foot, to the tender mercies of the landlord and his *amla*. I am not overdrawing the picture. Where have you heard of a piece of legislation by which, as soon as a certificate is filed, the whole property of the raiyat, both movable and immovable, is bound? Is that a condition of things which Your Honour and Your Honour's Advisers in this Council can contemplate without any feelings of apprehension? Are there not powerful landlords enough in the Western Province who can utilize this section of the Act to the utter ruin of their tenantry? Your Honour and Your Honour's Advisers and the predecessors of Your Honour, who framed this Act, have laid down elaborate precautions for the protection of the raiyat. Has the time come and is the necessary evidence available that this should be done away with? In the papers before us and in the opinions submitted to us, we have not got evidence to show that the condition of things is such as to justify these powers being given to the landlords, and the question has been asked, why? It has been answered by the Public and the Press.

"Your Honour's Government is not laying down any conditions under which this privilege may be granted; the one condition is, that there must be a record-of-right and that record-of-right must be kept up to date; but that is not enough. If that were the sole condition and guiding principle, I for

one and the public would understand and appreciate the generosity of the Government to our landed classes, but the whole thing reminds us of the Star Chamber of England. You cannot grant a power without assigning any reasons. Reasons, however, are not given, and you can withdraw the privilege without assigning any reason and without affording the zamindar an opportunity to exculpate himself, if there is anything said against him.

"May I ask what would be Your Honour's opinion and the opinion of Your Honour's Councillors, as to what would be a greater weapon in the hands of the Government to coerce the zamindars if occasion arose? There have been occasions where zamindars and the landed classes have taken a prominent part in agitations against Government; private and confidential interviews between the District Magistrate and the people of the district have probably served their purpose to some extent, but private and confidential interviews are not enough; you grant me a substantial privilege which you can withdraw without assigning any reason, without being answerable to any body, and I suppose the Government has got no conscience. It is not possible that in many instances the privilege which Government retains is liable to abuse, and, Sir, may I ask would it be for the benefit of the Government that that such a power should be retained by them?

"The Hon'ble Raja Ban Bihari Kapur has said that I threw some slur upon the landed aristocracy of the country. Far be it from me, a humble citizen, to throw any slur upon that mighty and august body—the landed aristocracy of Bengal. I have derived untold benefits from them, but I might tell them that they know not what they are jumping at—that it may be a veritable engine of destruction alike to them and to their tenantry.

"If, Sir, an Inspector of Police can start a prosecution against an innocent man for an alleged theft of benches which were taken away from a school for a temporary purpose, what may not happen? What is the effect of a zamindar incurring the displeasure of a Collector of the District? It makes the whole landed aristocracy of Bengal, about whom I am so proud, entirely subservient to Government; and apart from that aspect, is that a position which is beneficial to Government? Is it not of the greatest benefit to Government that in all public agitations the sober and staid judgment of the community and landed classes should be closely associated, so that the agitation may be carried on on reasonable and constitutional lines.

"I say it is in the highest degree to the interest of the State that such a procedure should not be reserved to Government, and, Sir, what is the answer of the zamindars themselves and of those officials to the Government whom the Government must trust? I will not say it is the unanimous opinion, but by an overwhelming majority they are against the grant of this privilege. The British Indian Association, from which comes the Hon'ble Raja Peary Mohan Mukharji, has given it but a qualified support, and so the Bihar Landholders' Association. If Government Officials, whose advice is always entitled to the greatest weight, are opposed to it, why then, Sir, should Government be so anxious to thrust its power upon the zamindars? If I had understood that this power would not be abused, that it would be both to the good of the landlords and the tenants, I, for one, would have accepted it; but the tenants have protested against it and the landlords have protested against it.

"The power proposed to be given is so hedged in and so much surrounded by technical and legal difficulties, that probably it may never come into operation. If, as my friend Raja Ban Bihari Kapur has said, that another 25 years may elapse before the provision can be put in force in Bengal, why then is this hurry; why should this measure be introduced now? I would appeal to Your Honour and to Your Honour's Council to stay their hand as regards this provision of the Bill. I admit there are provisions in the Bill which are calculated to do good, but why introduce a provision which is alike harmful to the landlords and the tenantry? On these grounds, Sir, I oppose the introduction of this provision."

The motions being put, the Council divided:—

Ayes 6.	*Noes 11.*
The Hon'ble Babu Jogendra Nath Mukharji.	The Hon'ble Mr. Slacke.
The Hon'ble Babu Bhupendra Nath Basu.	The Hon'ble Mr. Gupta.
The Hon'ble Mr. Bertram.	The Hon'ble Mr. Collin.
The Hon'ble Babu Radha Charan Pal.	The Hon'ble Mr. Carlyle.
The Hon'ble Babu Jogendra Chandra Ghose.	The Hon'ble Mr. Inglis.
The Hon'ble Babu Kali Pada Ghosh.	The Hon'ble Mr. Gait.
	The Hon'ble Mr. McIntosh.
	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.
	The Hon'ble Raja Ban Bihari Kapur.
	The Hon'ble Raja Peary Mohan Mukharji.

So the amendment was lost.

The Hon'ble BABU BHUPENDRA NATH BASU also moved that sub-section (*2*) of section 158A, in clause 33 of the Bill, be omitted, and the following sub-section beadded after sub-section (*1*), namely:—

"(*2*) The Local Government shall lay down the terms and conditions on which such application may be granted, and may at any time add to or vary such terms and conditions, the Local Government shall allow an application which complies with such terms and conditions.

"And the Local Government may withdraw its allowance of any application if the applicant shall have violated any of such terms or conditions, but before any such allowance is withdrawn, two months' notice shall be given to the party concerned to conform to such terms or conditions or to show cause why, in default thereof, such allowance shall not be withdrawn, and no orders shall be passed without considering the representation, if any, of such party.

"The decision of the Local Government shall in all cases be final."

He said:—"Anticipating that the amendment of which I have given notice would be lost, I have tried to provide what I consider a reasonable safeguard for the exercise of this power. We will now assume that the Council has decided that this privilege should be conferred. If it should be considered conferred, is it not reasonable that it should be conferred upon certain distinct zamindars and on certain conditions? If those terms and conditions are carried out, I respectfully submit that the privilege should be allowed to continue; if those terms and conditions are violated, then it may be withdrawn and I have provided that the decision of the Local Government shall in all cases be final.

"I have also suggested that the party concerned shall have an opportunity of clearing himself of any charges that may be made against him. It is a trite saying that the lowest criminal in the land shall have his say before he is condemned, and here you are admittedly dealing with a class of people who possess and enjoy the highest social position in the land, who have at one time merited the confidence of Government but for some supposed offence this privilege may be sought to be withdrawn. I appeal to my friends, as Englishmen, with their inherent sense of fair play and justice, whether it is fair not to give them an opportunity of being heard? To men like myself, brought up under English ideals and steeped in the history of the English constitution, it does seem to be highly unconstitutional and unfair. Therefore, with some confidence, I submit this amendment for acceptance."

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"My amendment is in almost the same words and may be dealt with at the same time. The main amendment having been lost, the question arises whether the powers which are given to the landlord by this section should become a matter of personal consideration alone. It seems to me that it is in the highest degree undesirable that such should be the case. We are day by day drifting away from a

primitive state of society, and while we are realizing this in one part of the world in another part of the world we find that the forces of Government are driving us back into it. The whole idea of Government is based upon law, and if in a matter of so much importance a person should be allowed to exercise the powers under this section, simply upon a personal consideration, it will be doing great injustice to the whole community, not only of landlords but of everybody concerned. The amendment which I propose is that, in the event of the above amendment being lost, for sub-section (*2*) of the proposed section 158A, in the said clause, the following be substituted :—

'(*2*) The Local Government shall prescribe the terms and conditions upon which such applications by landlords may be granted, and may at any time add to or vary such terms and conditions; and the Local Government shall allow all applications under this section by landlords who undertake to comply with such terms and conditions.

'The Local Government may withdraw the powers granted to a landlord under this section if such landlord shall have violated any of the terms and conditions upon which the powers under this section were granted to him, but before any such powers shall have been withdrawn, three months' notice shall be given to the party concerned to show cause why such powers shall not be withdrawn; and no decision withdrawing such powers shall be passed without considering the representation, if any, of the landlord to whom such notice may have been issued.

'The decision of the Local Government shall in all cases be final.'

"If the law laid down in this amendment were accepted, everybody would know that by fulfilling certain conditions he could obtain the privilege. So that Your Honour can see that if this was not granted the result would be that somebody might—I do not say that everybody will, the law contemplates everybody—curry favour with the Head of the District and obtain the privilege and then do what he liked with his tenantry. The amendment also suggests that the Local Government may withdraw the power under fixed conditions. This is also very fair; and if Government wishes to withdraw the power it must do so on specific grounds."

The Hon'ble BABU RADHA CHARAN PAL said:—"I rise to support the motion of my hon'ble friend, Babu Bhupendra Nath Basu. I may tell Your Honour at once that the section, as it stands, has been received with almost unanimous disapproval by the entire community representing the landlords. I do not pretend to speak here on behalf of the landlords, but I may inform Your Honour that, at the conference which was held by the Bengal Landholders Association, this section, by which Government reserved to itself the power of refusing to grant an application, was opposed almost unanimously by the land-holding community. I think, under the circumstances and having regard to the fact that the landholders, generally speaking, do not want this provision, the amendment which has been placed before this Council will go a great way to inspire confidence in the concession which the Government has offered to the land-holding class and it will also do away with any possible favouritism which this section, as it now stands, may give rise hereafter.

"It has been openly said by the land-holding class, residing in the Mufassal, that they are afraid the provisions of the Bill will remain a dead letter, that they will not avail themselves of it for fear of being branded as bad landlords when the application is refused without any reason assigned for it; and, speaking as an Oriental, I may say that the fact of an application of this nature, having been submitted by a zamindar of a district to Government and having been refused by it, lowers the zamindar in the estimation of not only his community but also of his tenantry, and this apprehension, I must frankly tell Your Honour, will, I am afraid, keep away many landlords from approaching the Government on the subject. We are accustomed to live under well-defined rules and regulations, we know we have to conform to the rules; whether any individual is a bad individual or a good individual, so long as he complies with the laws of the land and with the rules and regulations which are prescribed by Government, he is entitled to all the privileges of British citizenship.

"Under these circumstances, I would implore Your Honour to accept this amendment which has been placed before you and thereby inspire confidence in

the minds of the people; and at the same time impose such stringent conditions as Your Honour thinks fit to safeguard the interests of the raiyats, whose destinies are also committed to Your Honour's care.

"I have only one observation to make in conclusion and that is, with reference to the speech of the Hon'ble Babu Bhupendra Nath Basu. He has vigorously attacked this provision of the Bill, and I may be permitted to tell Your Honour that although he is a leading Lawyer of this Province he is also a zamindar and a zamindar of no mean status; and when he has spoken with such emphasis in this matter I am sure that he has spoken from deep-seated conviction and he has thereby reflected not only his own opinion but also the unanimous opinion of the country on the subject."

The Hon'ble MR. CARLYLE said:—"I must oppose this amendment on behalf of Government. I understand the Hon'ble Babu Bhupendra Nath Basu to say that the Government has no conscience. I have heard a remark about this in the Corporation. I can assure him that the Government has a conscience.

"The provisions regarding Summary Procedure are tentative. The Government must keep the most strict control over their working, and cannot accept any proposal which would tend to weaken its powers. However clearly the Bill may declare that the powers of the Local Government are to be subject to no appeals, provided it complies with certain conditions, I defy this Council to invent a section which it will be beyond the ingenuity of lawyers to impugn in Court, and the Government cannot risk having its orders set aside by a Civil Court on the ground that its proceedings were informal or for some reasons invalid. As a matter of fact, the Government will, of course, give zamindars a hearing before withdrawing the privilege."

The motions were then put and lost.

The Hon'ble MR. CARLYLE moved that in clause 33 of the Bill, above the heading in italics, the word, figures and letter "Chapter XIIIA" be inserted. He said:—

"This is a mere drafting amendment, and, I have no doubt, will be accepted."

The motion was put and agreed to.

The Hon'ble MR. CARLYLE also moved that sub-section (*8*) of section 158A be converted into a proviso to sub-section (*5*), and sub-section (*9*) be re-numbered sub-section (*8*). He said:—

"This is a drafting amendment, which the Council will probably accept."

The motion was put and agreed to.

Clause 34.

The Hon'ble MR. CARLYLE also moved that sub-section (*2*) of the new section 158B be transferred as a separate section to be inserted after section 148 in Chapter XIII as section 148A to the following effect, namely:—

"148A. Where a co-sharer landlord who has instituted a suit to recover the rent due to all the co-sharer landlords in respect of an entire tenure or holding, and has made all the remaining co-sharers parties-defendant to the suit, is unable to ascertain what rent is due for the whole tenure or holding, or whether the rent due to the other co-sharer landlords has been paid or not, owing to the refusal or neglect of the tenant, or of the co-sharer landlords defendant to the suit, to furnish him with correct information on these points, or on either of them,

Rent suits by co-sharer landlords.

[*Mr. Carlyle.*]

such plaintiff co-sharer landlord shall be entitled to proceed with the sui for his share only of the rent, and a decree obtained by him in a suit so framed shall, as regards the remedies for enforcing the same, be as effectual as a decree obtained by a sole landlord or an entire body of landlords in a suit brought for the rent due to all the co-sharers."

He said:—"This is a merely drafting amendment."

The motion was put and agreed to.

The Council was then adjourned to Wednesday, the 3rd April, 1907.

CALCUTTA;
The 2nd May, 1907

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—30-4-1907—12403—990—C. O. G.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Wednesday, the 3rd April, 1907, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. E. A. GAIT, C.I.E.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU JOGENDRA NATH MUKHARJI, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. W. T. SPINK.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble RAJA BAN BIHARI KAPUR, C.S.I.

The Hon'ble RAJA PEARY MOHAN MUKHARJI, C.S.I.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

[*Babu Jogendra Nath Mukharji; Babu Bhupendra Nath Basu.*]

THE BENGAL TENANCY (AMENDMENT) BILL, 1906.

Section 106.

The Hon'ble BABU JOGENDRA NATH MUKHARJI moved the following amendment which stood in the name of the Hon'ble Mr. Carlyle and had been held back for further consideration, namely:—

"That to section 106 of the Act, the following proviso be added:—

'Provided also that in any suit under this section the Revenue-officer shall not try any issue which has been, or is, directly and substantially in issue between the same parties, or between parties under whom they or any of them claim, in proceedings for the settlement of rents under this Part, where such issue has been tried and decided, or is being tried, by the Revenue-officer under section 105A.'

He said:—"This amendment stood over yesterday in consequence of some defects which seemed to require consideration, and since yesterday we have been able to give this matter some consideration, and after consultation the following slight alterations in the original amendment appear to be necessary. After the words 'or is', in the second line of the proviso, the word 'already' may be inserted. The same word 'already' should be inserted in the last but one line, and the letter 'a' substituted for the word 'the' before the words 'Revenue-officer' in the last line of the original amendment as it stood on the notice paper. These being put in, the amendment will read thus:—

'Provided also that in any suit under this section the Revenue-officer shall not try any issue which has been, or is, already directly and substantially in issue between the same parties, or between parties under whom they or any of them claim, in proceedings for the settlement of rents under this Part, where such issue has been tried and decided, or is already being tried, by a Revenue-officer under section 105A.'

"These additional words seem to me to meet the situation, and I hope Hon'ble Members will see their way to accept the amendment. While on this subject, I beg to draw the attention of Hon'ble Members to the amendment regarding the proviso to section 105A which was passed yesterday. The additional words I have just proposed appear to be necessary in that amendment also, and I beg Your Honour will permit me to move an amendment introducing the word 'already' after the words 'or is' and before the words 'directly and substantially' in one place, and also the same word 'already' after the words 'or is' and before the words 'being tried' in another; and a further alteration that instead of the word 'the' the word 'a' be inserted where it occurs between the words 'being tried by the Revenue-officer.' The amendment being introduced, the section will read thus:—

'Provided that the Revenue-officer shall not try any issue under this section which has been, or is already directly and substantially in issue between the same parties under whom they or any of them claim, and has been tried and decided, or is already being tried, by a Revenue-officer in a suit instituted before him under section 106.'

"I have talked over the matter with the Hon'ble Member in charge of the Bill and I am told he has no objection to accept this amendment, and on the whole it would make it better."

The motions were put and agreed to.

Clause 36.

The Hon'ble BABU BHUPENDRA NATH BASU moved that clause 36 of the Bill be omitted. He said:—

"Section 310A of the Civil Procedure Code is sought to be introduced in section 170. Section 170 of the Act provides that sections 278 and 283 shall not apply. The Select Committee has sought, by introducing section 310A into that section, that that section should also be excluded from the operation of the Rent Act. Under section 310A, after a property has been sold in execution of a decree the judgment-debtor or any other person interested in the property may put in the purchase money into Court within 30 days, plus certain compensation by way of interest and costs, and thereupon the sale

is set aside. In zamindari matters, it often happens that holdings are recorded in the name of a particular, individual as a tenant whereas the real tenant may be a different person altogether.

"Section 170 of the Rent Act allows the judgment-debtor or any person, having an interest in the tenure or holding, to pay the money into Court before the sale. Section 310A was introduced into the Civil Procedure Code, with the object of allowing judgment-debtors or other persons interested in the property sold to pay into Court, within 30 days after the sale, the purchase money, plus interest and costs, and in that case the sale would be cancelled. The operation of section 310A was extended to the Rent Act by decisions of the High Court. The High Court has held that even under the Rent Act Procedure, if a tenure or holding is sold the judgment-debtor or any person, interested in the tenure or holding sold, may put in the purchase money, interest and costs and get the sale cancelled. What we are now seeking to do is, to deprive a large class of tenants of this right. Once the tenure is sold, he cannot save his property by paying in the purchase money and damages and costs; and I find in the Notes circulated that a learned Judge who had differed from the High Court Ruling stated, that the change in the law to the prejudice of the tenant is justifiable, because, after a sale, it would not be desirable to have the whole proceedings re-opened and the realization of the landlord's due delayed.

"I will not tire the patience of Your Honour's Council by referring to the Note of Dissent of myself and of my friend on my right. We have stated it, and it is well known, that there are numerous holdings and tenures in respect of which the recorded tenant is not the real tenant. Hon'ble Members are probably aware that that is the state of things in many zamindaries, either because the zamindar refuses to recognize the right of transfer or because the raiyat, who has purchased the holding, has failed to satisfy the *amla* The old name remains recorded; the zamindar goes on; gets a decree against the old tenant, who has nothing more to do with the tenure. The result is, that he obtains a decree against the recorded tenant in execution of which the holding may be sold, and the real tenant may know nothing about it. He may not know anything about the decree, because the process is not served upon him but upon the recorded tenant. He may not know anything about the sale, because the proceedings will not be brought home to him but to the old recorded tenant, who has no interest. The only time probably when he will come to know of this is, when the property has been sold and the zamindar goes to take possession.

"I, therefore, submit that this privilege which has been extended to the raiyats by the High Court should not be withdrawn. It will operate as a very great hardship upon a numerous class of raiyats. To the zamindar, it makes very little difference; he gets his money, his damages and his cost. I, therefore, respectfully submit that this clause 36 should not be allowed to find a place in the Rent Bill: it will be hard, oppressive and inapplicable."

The Hon'ble RAJA BAN BIHARI KAPUR said:—"Your Honour, In supporting the retention of the amendment of section 170, in clause 36 of the Bill, as it stands, I cannot do better than quote *in extenso* the opinion of an eminent Judge of the highest Court in Bengal on this point:—

'*Extract from a Note on clause 36 of the Bengal Tenancy (Amendment) Bill, 1906, by the Hon'ble Mr. Justice Rampini, dated the 14th March, 1907.*

'*Clause 36.*—The intention of the framers of the Bengal Tenancy Act, 1885, with regard to sales of tenures or holdings for arrears of rent, was that any one having in the tenure or holding an interest voidable on the sale (*e.g.*, a mortgagee or an unrecognized transferee) might pay in the decretal amount with costs *before*, and so stop, the sale. This is provided for in section 170, sub-section (*3*). But it was intended that, *after* the sale, only the judgment-debtor should have the privilege of having the sale set aside by paying up the decretal amount and costs with compensation to the auction purchaser of 5 *per cent.* of his purchase money. The object of these provisions was to induce persons, having an interest in the property to be sold, to pay in the

amount of the landlord's debt *before* the sale, so that the landlord (decree-holder) might get the money due to him quickly, and the matter might be settled and set at rest once for all. This was no hardship to the landlord, because (*1*) he got his money quickly, (*2*) his old tenant still remained his tenant, and (*3*) all risk of future complications and expense was obviated.

'The provision that after the sale only the judgment-debtor should be allowed to pay up the decretal amount presented no practical obstacle to the setting aside of the sale, and was no hardship to any one, because the decree-holder could always be compelled to take the money, whoever paid it, by the simple device of paying in the amount in the name of the judgment-debtor.

'The provisions of section 310A have, however, by the Rulings of the High Court, been extended to sales in execution of rent decrees, and the result of this has been (*1*) to take away from the mortgagee or unrecognized transferee all inducement to pay in the decretal amount before sale, (*2*) to force the landlord (decree-holder) to take the money from a person whom he may not recognize, or wish to recognize, as his tenant, and (*3*) to give rise to the probability of protracted proceedings and long and expensive litigation. For, in the first place, the decretal amount is often paid in with a request that it may not be paid out to the landlord (decree-holder) till applications by the judgment-debtors for setting aside the sale, on the ground of irregularities or fraud in the sale proceedings, have been disposed of. Simultaneous applications under section 174, and to set aside the sale on the first of these grounds, have now been provided against by clause 37 of the Bill. But there is no remedy for a simultaneous application under section 174, and one to set aside the sale on the ground of fraud. These applications to set aside the sale may be opposed both by the decree-holder and the auction-purchaser; for the latter may not wish to part with the tenure or holding purchased by him, and to whom the statutory allowance of 5 *per cent.* on the purchase money may not be a sufficient compensation for the loss of his bargain. The decree-holder may also oppose the application to set aside the sale, not only on the ground that there was no fraud, but because the amount paid in was insufficient, or was not paid in due time. These proceedings, with the inevitable appeal and second appeal or application for revision, to the High Court, may last for years. All this time the landlord does not know who his tenant is—whether he is the old tenant (*i.e.*, the judgment-debtor) or the auction purchaser. He cannot be certain, then, whom he should sue for rent. He may sue the wrong person, and some of his lawful demands for rent may consequently become barred by limitation.'

"It clearly expounds the reason why the amendment has been made in the Bill, and bearing in mind that the granting of means of speedy realization of rent due to the landlord is the object of the Legislator, it is proper that the amendment should be accepted as it now stands. Therefore, I beg to support that the clause be accepted and passed."

The Hon'ble RAJA PEARY MOHAN MUKHARJI said:—"I too, Your Honour, oppose the motion for the omission of clause 36. Section 174 of the Tenancy Act gives a judgment-debtor the right to get the sale set aside by depositing the money, and section 170 entitles any one who is at all interested in saving the tenure from sale to deposit the money and protect the tenure from sale; so that everybody, who is nearly so interested in protecting the tenure from sale, is allowed an opportunity of doing so by depositing the money. Where is the necessity for a double provision, especially when it leads to this—that if, after the sale, a mortgagee or somebody else, who is interested in getting the sale set aside, deposits the money and the landlord is obliged to take the money in satisfaction of the decree, it would be compelling the landlord to recognize a stranger as his tenant? Your Honour will see that in the earlier clauses of the Bill much facility has been given to transferees of holdings to get their names registered in the zamindar's *sherista*, so that the objection which the hon'ble mover of the amendment raised on the score of the mortgagee and other persons being ignorant of the impending sale, is, at any rate, mitigated, if not wholly removed. I submit, therefore, that no necessity

[*Raja Peary Mohan Mukharji; Babu Kali Pada Ghosh.*]

whatever exists for making section 310A of the Civil Procedure Code any longer applicable to rent suits, and that the clause in the Bill as it stands is just and desirable."

The Hon'ble BABU KALI PADA GHOSH, by leave of the Council, withdrew the motion, standing in his name, that clause 36 of the Bill be omitted. He said:—

"I beg to support the amendment moved by the Hon'ble Babu Bhupendra Nath Basu. It is said, Sir, that unless section 310A of the Civil Procedure Code is included in section 170 of the Bengal Tenancy Act, or otherwise unless any person other than a judgment-debtor be debarred from paying the decretal amount after the sale, certain complications will arise; and in order to meet these difficulties or complications, it is said that section 310A has been included in section 170 of the Tenancy Act. The first point urged is, that if any person other than the judgment-debtor is allowed to pay the decretal amount after the sale, then practically this will take away from the mortgagee or unrecognized transferee all inducement to pay the decretal amount before the sale. I submit that such a contingency is remote, and my reason is this: there is substantial difference between payment of a decretal amount before the sale and after the sale; if the money is paid before the sale under section 170, then a certain right is created in favour of the person who pays that money. Section 171 of the Bengal Tenancy Act is quite clear on the subject. It provides that:—

'171. (*1*) When any person having, in a tenure or holding advertised for a sale under this Chapter, an interest which would be voidable upon the sale, pays into Court the amount requisite to prevent the sale,—

(*a*) the amount so paid by him shall be deemed to be a debt bearing interest at twelve *per centum per annum*, and secured by a mortgage of the tenure or holding to him;

(*b*) his mortgage shall take priority of every other charge on the tenure or holding other than a charge for arrear of rent; and

(*c*) he shall be entitled to possession of the tenure or holding as mortgagee of the tenant, and to retain possession of it as such until the debt, with the interest due thereon, has been discharged.'

'So the payment before the sale secures in favour of the person who pays the amount all these rights, and none of these rights can be secured by payment after sale. Is not this a sufficient inducement to any person to pay the money before the sale? When he finds that the amount which he pays will secure for him all these rights, I submit that in all cases he will try and pay the money before and not after the sale, provided he has notice of the sale. Then, again, payment after sale will also necessitate his paying 5 *per cent.* as a penalty, but before sale there is no such penalty. Therefore, it is quite unreasonable to say that this inducement is taken away, by allowing a person to pay after the sale; that argument falls to the ground: certainly, if he be a person who has an interest in the property and he is anxious to stay the sale, he will come in before the sale. It is only in cases where a man has no notice of the sale, then of course if the sale takes place and he comes in after the sale, he pays the amount with 5 *per cent.* penalty, and that remedy he now has under section 310A of the Civil Procedure Code; and the present clause 36 proposes to take away that remedy, and I submit it would be a great hardship on the people who have an interest.

"Then, there will be another practical difficulty in this connection, and it is this: under section 170, the judgment debtor and any person having a voidable interest in the tenure or holding may pay the money. I submit that this does not contemplate the case of a co-sharer in the property, who is not a judgment-debtor and his interest is not in the eye of the law an interest voidable on the sale; this interest being almost co-extensive with the interest of the judgment-debtor is void, and if he does not happen to be the judgment-debtor and if his interest is not voidable, then he cannot pay under section 170; and the only remedy left to him at present by the law is after the sale, under section 310A of the Civil Procedure Code; and if that remedy is also taken away, then all such co-sharers who do not happen to be registered tenants and therefore not made parties to the suit, will have no remedy to pay the

money after the sale, because it is the judgment-debtor alone who will be able to come in after the sale.

"Then, it is urged there cannot be any practical obstacle to the setting aside of the sale, because he can adopt the device of paying the money in the name of the judgment-debtor; but that argument is also fallacious, because after the sale the judgment-debtor must *apply* for setting aside the sale; it is not that any person can pay the money in his name; unless he signs an application, the sale cannot possibly be set aside: so it will not do to pay the money in his name, but it is only the judgment debtor who can do so; so that in many cases it happens that the judgment-debtor, having no interest in the property, may be in collusion with the decree-holder, and thereby the person interested may not have any remedy to have the sale set aside when once it takes place. For these considerations, I submit the law should not be disturbed and the people should have an opportunity of paying the money after the sale, and thereby to have the sale set aside."

The Hon'ble BABU JOGENDRA NATH MUKHARJI, by leave of the Council, also withdrew the motion, standing in his name, that clause 30 of the Bill be omitted. He said:—

"Instead of moving my amendment separately I beg to accord my support to the hon'ble mover of this amendment, because our amendments are practically the same. It would not have been necessary for me to say anything at all on this subject after what has fallen from my hon'ble friends on my left, had it not been for the Note of an eminent Judge which was referred to by the Hon'ble Raja Ban Bihari Kapur. I am afraid this Note will have a considerable effect on the minds of Hon'ble Members, some of whom are not familiar very much with the operation of the Bengal Tenancy Act. It is, therefore, necessary for me to allude briefly to that Note and confine my arguments to the points made in that document. It is necessary first to understand the purport of section 170. It provides that:—

'(2) When an order for the sale of a tenure or holding in execution of a decree for arrears due thereon has been made, the tenure or holding shall not be released from attachment, unless, before it is knocked down to the auction-purchaser, the amount of the decree, including the costs decreed, together with the costs incurred in order to the sale, is paid into Court; or the decree-holder makes an application for the release of the tenure or holding on the ground that the decree has been satisfied out of Court.

'(3) The judgment-debtor or any person having, in the tenure or holding, any interest voidable on the sale may pay money into Court under this section.'

"Very many of the questions which have been raised in this Note can be disposed of by reference to clause (3) which I have just read, because the question of recognizing a stranger as the tenant, which was raised by one of the Hon'ble Members who is opposed to the amendment as an argument against the amendment, is raised in practice before the sale; and no time is saved by going into this question before the sale just as no time is saved by going into it after the sale. I submit that the question is not the stage at which such objections are disposed of, but whether these objections are to be disposed of at all. It is necessary for every Court to dispose of these objections under section 170 if the law permits it, otherwise the fact remains that the money may be paid by a stranger, and when paid, it goes to the liquidation of the debt without any inquiry as to the person paying it; and the matter ends there.

"Is it contended by those Hon'ble Members who are against the amendment that the Court is bound to go into this question under section 170? Can the Court say, under section 170, that because the person making the payment is not a recorded tenant it will not allow him to pay the money? Certainly not. Can the landlord say, at this stage and before the sale, that the person making the payment is not his tenant, and therefore if such a person is allowed to pay the money into Court he will jeopardize the landlord's interests and the landlord will be forced under these circumstances to recognize a person whom he does not want? Certainly not. But supposing that such a question is allowed to be raised under section 170, the Court is bound to decide it; and so, whether it is decided before or after the sale, there is no saving of time or trouble. After the sale I submit the question becomes simpler, because the

money being paid and the sale being set aside there is an end of the whole matter. There is no opportunity given at this stage to the man who pays to raise the question of title to the tenancy; nor is any time given to the zamindar to raise such a question: he is bound to accept the money in any case, whether it is paid before or after the sale, as the law now stands. The distinctions, which are somewhat prominently referred to in the Note, are distinctions, if I may say so, without a difference. It has been said in the Note that decretal amounts are often paid in, with a request that it may not be paid out to the landlord (decree holder) till applications for setting aside the sale, on the ground of irregularities or fraud in the sale proceedings, have been disposed of. Now, section 311 is the section in the Civil Procedure Code by which a judgment-debtor or any person whose property has been sold in execution of a decree, may apply to the Court to set it aside on any of these grounds. This question, however, is not at all affected by the payment, as it has been, as a matter of fact, excluded by the substantive law on the subject. Section 174 of the Bengal Tenancy Act distinctly excludes section 311 of the Civil Procedure Code from the operation of that section. It says:—

'Provided that, if a judgment-debtor applies under section 311 of the Code of Civil Procedure to set aside the sale of his tenure or holding, he shall not be entitled to make an application under this section; and if he applies under this section, he shall not be entitled to make an application under section 311 of the Code of Civil Procedure.'

"This portion of the Note therefore goes. It will, therefore, be noticed that the mortgagee or the unrecognized transferee cannot put in the money and at the same time raise an objection under section 311 of the Civil Procedure Code. Then, coming to the wording of section 310A, the distinction noticeable is, that under section 174 only the judgment-debtor can pay and not any person whose tenure or holding has been sold, as provided by section 310A; and the language of section 174 runs thus:—

'Where a tenure or holding is sold for an arrear of rent due thereon, then, at any time within thirty days from the date of sale, the judgment-debtor may apply to have the sale set aside, on his depositing in Court, for payment to the decree-holder, the amount recoverable under the decree with costs, and, for payment to the purchaser, a sum equal to five *per centum* of the purchase money.'

"That is the distinction. It is stated in the Note that if it was intended that section 310A should have application, why is it that section 174 was enacted? But that is more than we can tell. Section 310A did not form part of the original Civil Procedure Code, it had to be added by a subsequent piece of legislation; but section 174 follows to some extent section 310A, and I may say the Public Demands Recovery Act also which contains a section similar to section 174. Although all these correlated sections embody one general principle, it cannot be said that when this section 174 was enacted the Legislature had in contemplation the exact wording of section 310A. It seems to me to be practically certain that the wording of section 310A was not contemplated at the time the Bengal Tenancy Act was passed; because we find that in section 170 no reference is made to section 310A. If it was the intention that section 310A should not have application, it could have been specifically excluded, just as certain other sections of the Code of Civil Procedure were excluded by section 174; but for the reasons I have placed before Your Honour, it will appear that the wording of section 310A was not considered at all.

"We are, therefore, relegated to this position; we are not concerned to know whether certain decisions of the High Court are right or wrong; we are concerned to consider the question upon its merits, namely, whether the right, after having been extended to all persons whose property has been sold, and not to the judgment-debtor alone, should now by specific legislation be taken away from all such persons: and my submission is, that no case has been made out for taking away these rights from the people.

"With regard to the question, whether the operation of section 174 having been extended by the Ruling of the High Court nobody would think of paying beforehand the decretal amount, I would beg to draw the attention of Hon'ble Members to the fact that a man who allows a sale to take place, that is, a judgment-debtor or any person who is entitled to pay the money before the

sale who allows the sale to take place, has to pay a penalty of 5 *per cent.* on the purchase money. This penalty, I submit, ought to act as a sufficient deterrent; apart from the advantages which a person, who pays the decretal amount before the sale under section 170, can expect, and which have been pointed out by my friend, the Hon'ble Babu Kali Pada Ghosh, as accruing under section 171 of the Bengal Tenancy Act. All this is really a deterrent.

"Now, I ask why should those persons, who have the misfortune to be mortgagees in respect of a holding or tenure, as well as other interested persons who do not find a place in the records of the zamindar, be left in the lurch? The zamindar frames his suit against the recorded tenant, but the real man who is interested in the prevention of the sale never gets notice. Section 85 of the Transfer of Property Act provides against such contingencies, and says that in the case of a mortgage every person who has an interest in the mortgaged property should be made a party. No corresponding section is to be found in the Bengal Tenancy Act. The result is, that those persons who are not on the records of the zamindars seldom if ever get any notice through the Court. According to the law, the rent is a first charge on the tenure or holding and, therefore, the tenure passes by the sale and not merely the right, title and interest of the judgment-debtor; and if the tenure passes, what is the really interested man to get? He has not been given a chance, by section 174, of depositing the money. The language of section 174 is undoubtedly narrow; but inasmuch as section 310A has not been excluded by express provision, and inasmuch as the High Court Rulings have held that in such cases section 310A applies, such persons have been allowed to deposit the money: and now it is proposed that this right should be taken away by legislation for no palpable advantage to the zamindar.

"It is said that bad law very often encourages corruption. If anybody makes bad law, people try to get round it by various means; and one should always try to avoid making bad laws. As it has been pointed out by my friend, a person who is not on the record cannot sign the name of the judgment-debtor; he cannot forge his name in order to be able to pay the money after the sale. It is said in the Note—

'These applications to set aside the sale may be opposed both by the decree-holder and the auction-purchaser; for the latter may not wish to part with the tenure or holding purchased by him and to whom the statutory allowance of 5 *per cent.*, on the purchase money, may not be a sufficient compensation for the loss of his bargain. The decree-holder may also oppose the application to set aside the sale, not only on the ground that there was no fraud, but because the amount paid in was insufficient or was not paid in due time. These proceedings, with the inevitable appeal and second appeal or application for revision, to the High Court, may last for years. All this time the landlord does not know who his tenant is—whether he is the old tenant, (*i.e.*, the judgment-debtor) or the auction-purchaser. He cannot be certain, then, whom he should sue for rent. He may sue the wrong person, and some of his lawful demands for rent may consequently become barred by limitation.

"These are also questions which seem to me not to depend upon the person who pays. If the money is not paid in time these questions can always be raised if allowable, even before the sale. Section 316 of the Civil Procedure Code answers the point raised in the last part of the above paragraph. So long as there is no certificate the title does not pass. The zamindar, I think, can always sue the old tenant till the sale is confirmed. Thus it will be seen that the remarks lose much of their force by reference to section 316 of the Civil Procedure Code.

"Further, why should we feel so anxious about the purchaser, whose rights do not even commence till after two months from the date of the sale?

Then again in case of fraud, if such matter be not allowed to come into execution proceedings after the sale, the aggrieved party can raise the question by a regular suit. A party really injured will seldom refrain from asserting his rights, and it is only a matter of procedure whether he should have his remedy in the execution proceedings or by a regular suit? If he can file a suit, it will go from the Original to the Appellate Court, and from the first Appellate Court to the High Court. At what time does the zamindar get his money in that case? Further, in course of the regular suit, the plaintiff may obtain an injunction from the trying officer stopping further progress of the execution proceedings. So that, considered from any point of view, it seems

[*Babu Jogendra Nath Mukharji; Babu Jogendra Chandra Ghose; Mr. Carlyle.*]

to me that the limitation that is being proposed is hardly called for by the circumstances of the case, and, as I have submitted to Hon'ble Members, the question is not an academical one at all, but that it is a practical one and is fraught with grave consequences to the parties concerned. It is not, I repeat, a question as to who is right and who is wrong, but that it is a question as to whether a person who has enjoyed a right up to the present time should be deprived of his right?"

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"The amendment proposed in clause 36 is in consequence of several cases in the High Court, in one of which I had the honour of being engaged. The true reason for the amendment has not been appreciated by the Hon'ble Members who have opposed it, and the reason is, that there should not be a double remedy given to the judgment-debtor in a sale. A remedy is given by section 174 of the Tenancy Act, and the Judges have with reluctance been obliged to give effect to the contention that section 310A also should apply. Section 174 ought to have been fuller, I admit, but the enactment of section 36 is wholly unobjectionable. It would be logical not to omit it; and there is another reason which has led to the enactment of this clause, and that is this: several cases have arisen in the High Court in which purchasers or alleged purchasers of occupancy holdings have come in under section 310A, and the difficult question arose whether the transferability of occupancy holdings should be gone into before section 310A could apply; and in all these cases, so far as I remember, the Judges were very reluctant to give effect to section 310A, but there is no force in the objections put forward by the Hon'ble Member who opposed it.

"There is absolutely no force in the case of alleged transferees of occupancy-holdings; but in the case of collusive sales, to avoid mortgages of under-tenures by permanent transferable tenure-holders, there is an apparent hardship. These cases are very common, that a permanent transferable tenure-holder colludes with a zamindar and gets his tenure sold in order to avoid his mortgage or an under-tenure. These cases should, I very humbly submit, be provided for; but that cannot be provided for by the omission of section 36. That should be provided for by the amendment of section 174, and clause 36 should in no case be omitted. I have mentioned this matter to the Hon'ble Raja Peary Mohan Mukharji, and he agrees with me. I also mentioned this matter to the Hon'ble Member in charge of the Bill, but he tells me that the Act will probably have to be re-cast and this matter will be considered then. I only mention this matter now, so that it may not be lost sight of when the Act is again amended."

The Hon'ble MR. CARLYLE said:—"I must ask the Council to reject the proposal to omit this clause. It is desirable that everything, in connection with rent-suits, should be as simple and speedy as possible. No hardship will, I believe, be caused by refusing to allow a sale to be set aside in Court by third parties. It should almost always be possible for third parties to get the judgment-debtor to pay in the money, and I believe in practice they could always, as a matter of fact, get the money paid in; but their present intervention as third parties to the case is undesirable.

"With reference to the remarks just made by the Hon'ble Babu Jogendra Nath Mukharji, I must explain that if proposals be brought forward for changes, as is possible, especially in connection with the Certificate Procedure, which, if successful, may require the amendment of section 33 as now laid down, and any other questions, such as the Hon'ble Babu Jogendra Nath Mukharji has raised, the matter could be considered and brought up. I do not pledge myself that the Bengal Tenancy Act will be amended at an early date; but if, as I have said, the recovery of rents by the Certificate Procedure is a success, it is practically certain that considerable amendments will have to be made in the new section 158A, to provide for difficulties which may arise in practical working. In that case, the point now raised by the Hon'ble Member will be considered. The whole point is not what the law now is, nor as to what the interpretation of the Judges of the High Court who gave effect to it meant it to be, but the question is what the law ought to be.

"The Hon'ble Babu Jogendra Nath Mukharji argued, as I understand, that section 310A not having been specifically excluded from the Bengal Tenancy Act, it must be held that it was the intention of Government that it should apply. Section 174 was passed in 1885, while section 310A was passed in 1894. With regard to the distinction between section 171 of the Bengal Tenancy Act and section 310A of the Civil Procedure Code, the great difference is, that section 171 provides specifically what is to be the position of an interested party who pays before the sale. Section 310A does not provide for his position with reference to the landlord, and hence section 310A is objectionable for rent-suits, though section 171 is not. The Hon'ble Babu Kali Pada Ghosh, I understand, argued that if there were co-sharers who were not affected by a decree for rent they would not be protected by section 171. I do not understand how a decree for rent could affect one co-sharer tenant only: all would be judgment-debtors and all or any of them could pay in the decretal amount before or after the sale.

"In connection with this subject, I will read a letter to the Government of India by the Government of Bengal in regard to the observations of the High Court, giving our reasons for inserting section 36 in the Act:—

'The High Court propose that in the case of a transferable tenure, the transferee should be enabled to apply to have a sale in execution of a rent decree set aside. In the abstract, there would be no objection to such a provision; but in practice it would give rise to complicated disputes, as to whether the tenure concerned was transferable or not. Such disputes would have to be decided in execution proceedings, which are only of a summary character; and the decision arrived at would have no binding force. The objection to the proposal is, that it would interfere with one of the main objects of the Bill, which is to render rent-suits and the subsequent execution proceedings as simple as possible, and to prevent the intervention of third parties. It is believed that, in practice, the transferee has little or no difficulty in avoiding a sale by paying the decretal amount into Court in the name of or through the judgment-debtor. The question whether the transfer was valid then lies between the transferee and the landlord, and is not allowed to complicate the execution proceedings in the rent suit. The Lieutenant-Governor believes that this course causes little inconvenience and is preferable to allowing the intervention of third parties in execution proceedings in rent-suits. He would, therefore, propose to retain the clause as drafted.'

"I think this states briefly, clearly and completely the reasons for maintaining clause 36 as it now stands."

The Hon'ble BABU JOGENDRA NATH MUKHARJI in reply said:—"As I have pointed out, the reasonableness of the law as it at present exists and as it has been interpreted by the Rulings of the High Court, will appear from the Rulings themselves, and the reasonableness of those Rulings we are not assembled here to discuss. There is, however, one aspect of the case to which allusion has been made by the Hon'ble Member in charge of the Bill, namely, whether third persons should be allowed to interfere in execution proceedings, which I propose to touch upon now. I venture to submit that third persons have been allowed to interfere in execution proceedings by the law itself; the only question now is, the time or stage at which such interference should be allowed, and I have already submitted that, so far as the decree-holder is concerned, whether the consideration of this question relating to the interests of third parties is taken up at an earlier stage or at a later stage, it is perfectly immaterial to him as long as he is kept out of his money. He can never get his money until the sale is confirmed; and my submission is, that whether the confirmation of the sale takes place after the disposal of objections in execution proceedings or after the disposal of a regular suit instituted by a man who expects to lose his property, the consequence is the same. Therefore, I submit that as a principle a statement like the above is not entitled to any consideration. The last thing I will repeat is, that the question before us is not an academical question at all, but we are taking away the rights of parties by legislation; and if legislation is to come up again, for purposes of reform, why not allow the present state of things to continue till then, and after the matter is more thoroughly considered, change section 174, if that is necessary, or introduce any other amendment? We are concerned with clause 36 of the Bill, and if the law can be amended, in a better way than I have proposed, by all means do it. But it will be better, under the circumstances, if the consideration of the matter of clause 36 is deferred till another Bill comes up for consideration."

The motion was then put and lost.

[*Babu Jogendra Chandra Ghose; Raja Peary Mohan Mukharji; Mr. Carlyle; Babu Jogendra Nath Mukharji.*]

Section 178.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, withdrew the motion, standing in his name, that in clause (*f*) of sub-section (*3*) of section 178 of the Act, after the words "apply for" the words "or claim in defence" be inserted.

Section 181.

The Hon'ble RAJA PEARY MOHAN MUKHARJI moved that in section 181 of the Act, after the words "service-tenure", in both places where they occur, the words "or holding" be inserted. He said:—

"Whenever a question arose in a case in the High Court, whether a service-holding or a patni-holding acquired a right of occupancy, it was invariably held that the provisions of the Bengal Tenancy Act did not apply to such holding. The most recent case on the subject was decided only a few weeks ago, and it is reported in the current number of the Reports. I think that the use of the word 'tenure' in section 181 instead of both 'tenure' and 'holding' was an oversight, because the same principle held good in both cases of tenure and holding; and in regard to both tenures and holdings the judicial decisions have been in favour of the view, that the provisions of the Bengal Tenancy Act did not apply to service-tenures or holdings.

"The Hon'ble Member in charge of the Bill observed to me, some time ago, that my amendment might give rise to objections on the score of *ghatwali* holdings. With reference to that observation, I beg to submit that the question of *ghatwali* holdings and their incidents have been very often definitely settled by law, namely, Regulations 29 of 1814 and 5 of 1859; so that no sort of complication or difficulty will arise if the meaning of section 81 were made clearer, and if it were put down in the law itself that by service-tenure is meant both tenures and holdings."

The Hon'ble MR CARLYLE said:—"I must oppose this amendment on behalf of the Government. The sanction of the Government of India, to the raising of the question, has not been obtained as regards holdings; and the whole question of service holdings is a very difficult one. The Government has had a great deal of difficulty in securing the fair treatment of holders of *piekhan* lands in Midnapore, and I am not prepared to accept anything which would increase our difficulties. It would be impossible for the Government to accept legislation on this subject, without very full inquiries not only from public bodies and associations but also from District Officers and District Judges."

The motion was put and lost.

Section 188.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, withdrew the motion, standing in his name, that to section 188 of the Act, the words "except as otherwise provided in this Act" be added.

Clause 39.

The Hon'ble BABU JOGENDRA NATH MUKHARJI moved that in clause (*c*) of the proposed section 188A, in clause 39 of the Bill, after the word "landlords" the following be added, namely:—

"whose shares of the rent of a tenure or holding are collected separately."

He said:—"I propose to amend the above slightly with Your Honour's permission. I omitted to notice one matter and it is that, under certain circumstances specified in the Bill, a co-sharer who does not collect his rent separately can sue. So I propose to add after the word 'whose' the words 'share or,' and after the word 'separately' the words 'or who are otherwise entitled to sue.' There are certain sections in the Bill, as I have said, permitting one co-sharer, whose share in the rent is not collected separately, to sue separately.

[*Babu Jogendra Nath Mukharji; Mr. Carlyle; Babu Jogendra Chandra Ghose.*]

The object of the amendment is this: this section, as it was originally framed, contained the words 'whose share or shares of the rent of a tenure or holding are collected separately', but these words were dropped in the Select Committee; and I for one did not at the time very well understand the sigificance of the proceeding. Examining the words of section 188A closely, it seems to me that if these words were added they would make the section clearer than at present. As the law stands at present, no co-sharer whose rents are not collected separately—in other words, who has not entered into a separate contract with the tenant to pay him rent separately—can sue separately; and therefore in the original draft of the Bill these words had been introduced. The provision now is—

'Notwithstanding anything contained in this Act, every suit between landlord and tenant as such instituted by

(*a*) a sole landlord,
(*b*) the entire body of landlords, or,
(*c*) one or more co-sharer landlords,

shall be subject to the provisions of sections 143 to 153 (both inclusive):

and to every decree passed in a suit framed under sub-section (*1*) or sub-section (*2*) of section 158B, the provisions of Chapter XIV shall, so far as may be practicable, be applicable.'

"This may mean that an independent right has been conferred upon co-sharers, whose rents are not collected separately. Evidently, that is not the intention of the framers of the Act, and if the words suggested by my amendment were inserted; they would make the section clear and prevent any mis-construction of the law. Such mis-construction is not the intention of the Legislature, and there can be no harm in introducing the words contained in my amendment."

The Hon'ble MR. CARLYLE said:—"The addition that the Hon'ble Member has just made in his amendment has altogether altered its meaning, and I cannot express any opinion on it now. I think it would be safer for the Council not to accept it with these additional words, particularly as we have not had full time to examine them. I was prepared to oppose the words as they stood, as they were obviously wrong, but I am not sure whether the words now are right or not, and we have not, got time to examine them now."

The motion was put and lost.

Clause 40.

The Hon'ble Mr. CARLYLE moved that in clause 40 of the Bill, after clause (*2*), the following be inserted:—

"(*3*) to prescribe the manner in which landlords' fees shall be transmitted to the landlord."

He also moved that clause (*3*) be re-numbered clause (*4*).

He said:—"This amendment is consequent to the amendment already accepted by the Council in Chapter IVA of the Bill. As the Government has taken on itself the power of transmitting fees to the landlord, obviously they require power to provide how such fees are to be transmitted."

The motions were put and agreed to.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, by leave of the Council, withdrew the motion, standing in his name, that the new clause (*3*) of section 189, to be inserted by clause 40 of the Bill, be omitted.

The Hon'ble MR. CARLYLE moved that the Secretary be directed to re-number the clauses of the Bill in consecutive order, and to make corresponding alterations in all cross-references thereto.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"I beg to suggest that as the Bengal Tenancy Act has become disfigured with so many sub-sections—A, F and C, I submit as an amendment that all the sections of the Act be re-numbered."

[*Mr. Carlyle; Raja Peary Mohan Mukharji.*]

The Hon'ble MR. CARLYLE said:—"I must ask the Council not to accept this proposal, as it would lead to great confusion. All the references are to the present numbers of the Act, and it would cause great confusion if we were now to alter them."

The Hon'ble MR. CARLYLE's motion was then put and agreed.

The Hon'ble MR. CARLYLE moved that the Bill, as settled in Council, be passed. He said:—

"I trust Hon'ble Members of Council have not got the impression that because I gave in some cases short replies to some of the amendments that matters have not been fully considered. I have tried to give full consideration to everything that came before me, either in the wayof suggestions of Hon'ble Members or from outside the Council."

The Hon'ble RAJA PEARY MOHAN MUKHARJI said:—"The original objects of the Bengal Tenancy Act (Amendment) Bill were to make provisions to prevent landlords from evading the grant of rent receipts to their tenants, to prevent illegal enhancements of rent by means of unfair and inequitable agreements and compromises, to amend Chapter XII of the Act relating to record-of-rights by placing it on a satisfactory basis and to give facilities to landlords for the collection of their rents. In giving effect to some of these objects, powers have been vested in Revenue-officers to the exclusion of the legitimate functions of the Civil Courts, and judicial decisions have, in some respects, been subordinated to the orders of the Executive. It is a procedure open to grave objection. I cannot conceive of any circumstances in which disputes, relating to land, could be decided with greater justice and equity than by upholding the authority and independence of the Civil Courts. Every attempt to interfere with the functions of the Judiciary is a move in the wrong direction, and this is to be regretted the more, as we have for some time been led to indulge in the hope that, at last a *bonâ fide* attempt would be made to remove a long-standing grievance by effecting a separation of the Judicial from the Executive functions of public officers.

"It would be wrong, however, to say that the new clauses of the Bill, intended to enforce adherence to the law, involve a new principle. In no one respect does any of the clauses of the Bill go beyond the policy of the Bengal Tenancy Act. The stringency of the new provisions would, in no way, affect law-abiding landholders; while those who have hitherto complained of the injustice and hardship of a law, which threw obstacles in the way of recovering admitted rates of rent by suit in Court, would find ample reason to congratulate themselves on the many important changes which have been made in the Act of 1885. The sections relating to transfers and devolution by inheritance of tenures and holdings, which have hitherto been a prolific source of dispute between landholders and raiyats, have been satisfactorily modified; the provisions relating to the merger of holdings in superior interests have been so modified as to reduce to a minimum the chances of litigation; the provisions relating to commutation of rent-in-kind to money rent have been modified so as to remedy the defects brought to light by their practical operation; the section providing for the assessments of additional rent on excess land held by raiyats has been modified so as to give landholders a workable provision for the realization of their just dues; the division and sub-division of holdings without the landlord's consent have been adequately safeguarded; the admissibility of copies of collection and measurement papers in current use by landholders, as evidence in rent suits, has been clearly provided for; false pleas of disclaimer of landlord's title have been made penal; effective restrictions have been placed in the way of fraudulent attempts to keep landlords at bay, in the matter of recovery of rent by vexatious applications, for revival of suits decreed *ex-parte*, by false pleas of title in third parties and by equally false pleas of the claim for rent being in excess of the actual rate, and an earnest attempt has been made to solve, with the aid of the best available expert knowledge and experience, the difficult question of the rights and liabilities incidental to sales of holdings in execution of decrees for rent obtained by co-sharer landholders.

"Not the least noticeable clause in the Bill is the one which makes the Certificate Procedure available for recovery of rent, by those landholders in whose estates a record-of-rights has been made. The importance of this measure cannot be overrated. In every country, the State reserves to itself an exceptionally Summary Procedure for the recovery of its dues. In the case of the State there is every guarantee for the correctness and validity of its claim, and there is no room for apprehension that it might be vitiated by interested motives. To make such a procedure applicable to the claims of private persons, means the granting of a privilege of which landholders may well feel proud. The privilege has, it is true, been guarded by conditions and limitations which would greatly circumscribe its use; but if there be any measure which should not be made widely applicable, without an experience of its operation within defined limits, it is this. It is poor wisdom to find fault with the Legislature for not legislating for a nation on *à priori* reasoning alone. No longer with Coke do we look upon law as 'the perfection of reason.' In civilized communities, the life of the law has not been logic; it has been experience.

"For the purpose of discrediting this clause of the Bill, Hon'ble Members have thought fit to decry the Permanent Settlement and the whole body of landholders of Bengal. I have heard persons, wholly innocent of the history and literature of the Permanent Settlement, speak in irreverent terms of the measure, as the blundering work of Lord Cornwallis; but I was not prepared to find such abysmal ignorance on the subject in Hon'ble Members of Council. A measure conceived and matured by Pitt, the greatest Statesman of the age and his Colleagues in the Cabinet, it was intended to save the East India Company from financial ruin, to bring the country, more than one third of which was filled with jungle, into a state of cultivation and to increase the wealth and prosperity of the people by recognizing their just rights, and thereby stimulating them to improve their estates.

"The effect, however, of the settlement on the first owners was disastrous. It was no easy matter to have to pay, year after year, irrespective of the caprices of the seasons, the land-revenue assessed at ten-elevenths of the rent-roll of estates. The majority agreed, looking more to the distant future than to the immediate present; but most of the estates, more than 90 *per cent*, changed hands within the following 20 years, and even such a rich house as Burdwan had to part with a considerable portion of its estate, consisting of Parganas Mandalghat, Arsa and Chetooa, for defaulting payment of revenue. Nothing, therefore, is more groundless than the supposition that the present body of landholders are in the enjoyment of the profits arising from land, since the date of the Permanent Settlement. The number of zamindars who can trace their title, from the time of that Settlement, can be counted on the fingers.

"Practically speaking, the whole body of zamindars, with a few notable exceptions, have paid extravagant prices for the estates they now hold. It passes my ability to understand either the logic or the ethics of the argument for imposing obligations upon landholders, because a few of them are wealthy. It would be quite as reasonable to impose obligations upon a person who makes a large profit by investing his money in shares of the Bengal Bank. The contention has no more root in history or law than in common sense. The property created by the Permanent Settlement is the property of the nation. It belongs to no section or caste of the public. It behoves every one, who desires to pose himself as a friend of the country, to support the Settlement to the best of his ability, instead of throwing further obstacles in the way of landholders which is already thorny enough.

"The great Historian, James Mill, was no friend either of the Settlement or of the Zamindars; yet he was compelled to say:—

'To draw from the raiyats the duties or contributions which they owe is well known to be a business of great detail and difficulty, requiring the strictest vigilance and most minute and persevering applications. Anything which strikes at the credit ofthe zamindar, farmer or other functionary, by which this duty is performed, immensely increases the difficulty, by encouraging the raiyat in the hope of defeating the demand by evasion, cunning, obstinacy or delay.'

[*Raja Peary Mohan Mukharji ; Babu Bhupendra Nath Basu.*]

"It is therefore, in sincere appreciation of the value of the changes made by the Bill, in the law of landlord and tenant, that I feel grateful to Your Honour's Government. When landlords and tenants have assimilated these changes and judged correctly their bearings upon what was indefinite and uncertain before, they would feel deeply grateful to the Government for having set at rest disputed points of substantive law and procedure, which were a prolific source of litigation, and for placing the mutual relations of landlord and tenant on a fairly satisfactory basis. The staunches advocates of the zamindari system and the most ardent champions of tenant rights would felicitate Your Honour's Government for having given the country a law which would engender more cordial feelings between landlords and their tenants, and tend to the improvement of their mutual relations.

"No small part of the result is due to the Hon'ble Member in charge of the Bill. Although the zamindari interest is very inadequately represented in the Council, and the majority of the Hon'ble Members are frankly democratic in their proclivities, I cannot help saying that it is with conspicuous ability and admirable tact and judgment that the Hon'ble Mr. Carlyle has piloted the Bill through the Select Committee and the Council ; and that when he takes count of his stewardship of the Bill, he will have the gratification of feeling that he has succeeded in presenting to the Council a measure which will have a beneficent effect upon the largest section of His Majesty's subjects in the Province."

The Hon'ble Babu Bhupendra Nath Basu said:—"I also offer my congratulations to the Hon'ble Mr. Carlyle for the way in which he has piloted this Bill. I do not take account of some of the most important amendments that have been brought forward and which were rejected at his instance. We had anticipated defeat and were not surprised at the result. Our regret is, that when the Bill was matured, the provisions were considered by a Committee in which the tenants were not at all represented, except through the instrumentality of Government Officials. We do not claim to have democratic principles, but we have tried to induce the Council to take a view which would, we thought, make the Bill more beneficial to the raiyats and the country at large. Our attitude here was not the attitude of representatives of a special class, but of the great mass of our countrymen. Speaking for myself—and I am a small landlord in my own way—I have tried sedulously to put away from my mind my own interests in the question, and to view the matter from a different aspect.

"In the Select Committee we, who have been accused of democratic proclivities, have tried to help the landlords, so far as the realization of their dues were concerned. In Your Honour's Council, I have tried to press, with what little force I could muster, the propriety and the necessity of recognizing the proprietor's private lands. I can honestly say that I have tried, and I can also say, on behalf of my colleagues who have supported me, tried to advance any particular interest in connection with this Bill in this Council.

"I do not wish to say anything at the present stage about the beneficent results of the Permanent Settlement. My hon'ble friend is probably right when he says, that the original proprietors, with whom the Permanent Settlement was entered into, are but very few now in the country. Greater, therefore, is the reason for our contention that the present body of zamindars have no right to complain. When we go to the market we pay a value upon the rental as it now stands, and those, who purchase at the present day, get their money's worth ; they, I humbly submit, have no right to complain: nor do I wish to say anything against the landlords or zamindars as a class. What I wanted to impress upon the Council was, that the increase in the value of land is due more to the enterprise of European capitalists, to the beneficent measures undertaken by Government to various natural causes, more than to the exertions of the zamindars themselves. Railways, irrigation-channels and trade have been developed; and I may say, without offence, that all that has been done without receiving any adequate support from the zamindars, and, in many cases, in spite of their opposition.

[*Babu Bhupendra Nath Basu; Raja Ban Bihari Kapur; the President.*]

"It is, I believe, known to every Member of this Council that whereas the Permanent Settlement on an average reserved to the landlords one-tenth of the net profits, in several cases of the Bengal zamindaris the proportion is reversed: the State now gets one-tenth and the private landlords nine-tenths. Whether that proportion is or is not accurately correct, it may be fairly said, and said with a great deal of accuracy, that in most cases the zamindaris, which at the time of the Permanent Settlement yielded a definite share of the profit to the landlords yields at the present moment a much greater income, without any money having been spent upon it by the landlords themselves. This must be, as political economists have all admitted, a source of great loss to the Government and the State. The revenue of the landed estates in Bengal would have been available for many reforms being carried out in the Government, if it had not been given away in the days of Lord Cornwallis; and so far as my countrymen are concerned, though I fully appreciate the many blessings also which have accrued from the Permanent Settlement, I may say, without any fear of reasonable contradiction, that the balance has not always been in favour of the Permanent Settlement.

"Of all the Provinces in India, Bengal is the Province most backward in trade and commerce. The reason is not far to seek. The investment of capital in landed properties provides a safe source of income; any one who makes some money goes at once to land as an investment, and the result is, that the people have not yet taken to commercial pursuits in the same way as the more go ahead Province of Bombay or even the backward Province of the Punjab. To the Government, it has been a great loss; it has given to us indeed a wealthy class, but can it be said honestly that that measure has been utilized for the benefit of the nation or the State, except in very rare cases? These, however, are questions which do not arise upon the discussion of the present Bill. There are many defects upon the Bill, and it would have been better if a more careful consideration had been given to these matters and the defects removed.

"I have already had my say upon the Certificate Procedure, and I do not wish to repeat what I have already said; but I accept the Bill as a frank recognition on the part of the Government of the many difficulties which have arisen in the present Tenancy Act: and I welcome the desire of Government to meet them, but I may take Your Honour's leave to warn Government that it will be a great mistake and much more than a mistake, nay a national calamity, to go back upon the principles upon which the Act of 1885 has been framed; to give the go-by to the experience of those eminent Civil Servants and distinguished Jurists upon whose opinions that Act was framed, and to upset them."

The Hon'ble RAJA BAN BIHARI KAPUR said:—"Your Honour, I must thank Your Honour, the Government of India and the Secretary of State for India for allowing the present amended Bill to become law, as it contains the much-needed Summary Procedure, and many wholesome provisions which will help both the landlords and the tenants.

"Sir, although some provisions of the Bill do not commend themselves to some of us, yet I consider that the Bill, as a whole, deals fairly with the difficulties which have arisen, and with the defects which have revealed themselves, within recent years, in the working of the Tenancy Act. I hope that it will improve the relations between landlord and tenant generally. Therefore, Sir, I feel great pleasure in congratulating Your Honour, and my hon'ble friend the Chief Secretary, Mr. Carlyle, for successfully passing the Bill into law. I would particularly thank the Hon'ble Mr. Carlyle for the courteous and careful way in which he has listened and dealt with our proposals. In offering these congratulations, I would specially mention the Hon'ble Mr. Justice Rampini to whose advice we owe much."

The Hon'ble the PRESIDENT said:—"I think that Hon'ble Member will expect that I should say a few words before putting to the Council the motion that this Bill be passed. I shall not allow myself to be led into the discussion of certain matters on which some Hon'ble Members have given us their views at considerable length. I shall not, for example, take up your

time with a discussion of the principles, objects and effects of the Permanent Settlement; for, as was admitted by the Hon'ble Babu Bhupendra Nath Basu himself, 'such questions do not arise in the discussion of the present Bill.'

"My purpose is a simpler and less pretentious one: namely, to state in a few sentences the principal objects which we had before us in undertaking this legislation. Our first object was to remedy certain defects in the Bengal Tenancy Act, and to render it more effective for the purposes for which it was intended. A number of defects had been brought to light by experience; and we set ourselves first of all to consider these. It was in the consideration of these, that our work began. I do not think that, judging from our motives at all events, we stand in the smallest need of the warning addressed to us by the Hon'ble Babu Bhupendra Nath Basu, that we should not forsake the principles on which the Tenancy Act of 1885 was passed. Our object has been to make it possible to carry out the principles of that Act more effectively and more easily.

"While we were considering this matter, however, there was another matter that was brought very clearly to our notice, in respect of which it seemed to us necessary to try to do something. I may refer to the enormous difficulties which have, in certain places especially, grown up in respect of the realization of rents by the zamindars. It seemed to me that if duty requires us to protect the raiyats against certain zamindars, it is nothing less than fair to endeavour to protect the zamindars also in the just enjoyment of their rights. I desire here to repudiate very strongly the language which has been used by two Hon'ble Members in connection with this matter. The Hon'ble Mr. Bertram has said that the provisions of the Bill to which I am now referring are 'a bribe' on the part of Government to the zamindars; and the Hon'ble Babu Bhupendra Nath Basu has stated that in his view they are 'a bait.' If the Hon'ble Members really believe what they are saying, then I think that their view of the action of Government is an ungenerous one. I do not believe that they mean precisely what they say; and therefore I am rather inclined to call their language unwise. If it were uttered only for this Council, it would be regarded as one of the so called pleasantries of debate; but as this language may be read by ill-informed persons outside, ignorant of our motives and ignorant of the provisions of this Bill which has been so fully discussed, I desire to repudiate the language emphatically. Every beneficent measure ought to give satisfaction to certain classes, if not to the whole community. But to say that the object of beneficent legislation is to curry favour with certain sections of the community is, grossly, to misrepresent the characteristic attitude of Government.

"As I have said, we desired to remove a grievance under which the zamindars suffered in the great difficulty which often arose in regard to the collection of rents. We wanted to facilitate the collection by zamindars of their just dues. What we have done is to a large extent an experiment. It is an experiment which we must carefully watch. It is an experiment in regard to the effects of which we are very anxious; and it is therefore an experiment which we have hedged in by serious limitations and conditions. We look forward with interest to see how far this experiment may succeed. If it succeeds, undoubtedly we must expect to modify the conditions of its operation; but until we see how it is to succeed, we must proceed cautiously.

"Another thing which came very clearly before our notice, and pressed itself on our attention, was the question of giving greater authority to the record-of-rights, when such record has been duly prepared and published. We were face to face with what appeared to us a perfectly unjustifiable waste of public money. Enormous expenditure is incurred in preparing an elaborate and accurate record-of-rights, and it has been the tendency in the past to prevent any notice being taken of this record-of-rights by any Department of administration, except perhaps the Settlement Department. We have a record-of-rights prepared on the spot, in presence of all who are interested, by a thoroughly trained and competent establishment; and this valuable record-of-rights is pushed on one side as if it were absolutely useless. I should like to know any large business concern which would willingly see its books and records, which had been carefully kept and prepared, set aside to make away

for vague and often untrustworthy evidence as to the details of its position and business. We want to give the record-of-rights its due place and to have it utilized. That will be to the advantage of the landlords and tenants alike.

"These are the principal objects which we had before us in undertaking this legislation, and I think it will be admitted that all the conferences that have been held, the Committees that have sat on the Bill, the discussions that have taken place, and the consultation of all those likely to be able to give any assistance in the matter, have indicated an open-minded desire to do the right thing in regard to this question. The work yesterday and to-day has been fairly hard: but we have been able to push through the discussion in Council promptly and satisfactorily, because of the full discussions of all the details of the measure which had preceded our meeting in Council.

"I desire to express my full concurrence with what has fallen from the Hon'ble Raja Ban Bihari Kapur, regarding the eminent services rendered to us in this matter by my friend, the Hon'ble Mr. Justice Rampini. It was with great hesitation that I made up my mind to ask Mr. Rampini to act as President of the Committee of experts which I appointed to consider this Bill. It was a great tax on his time and energy. It must be a great satisfaction to him to think that he has been able to bring the measure so far on its way; and it must be especially gratifying to him to know that this is due to the great confidence with which he inspired the Zamindars, Revenue-officers and Members of the Bar, with whom he kindly co-operated, by his great knowledge of the subject and his fairness and uprightness. I also desire to thank all the officers and gentlemen who have served on the Committees, taken part in conferences, and otherwise advanced the work in which we have been engaged; and perhaps I may be especially allowed to mention my friend Mr. Kerr, the Director of Land Records, whose untiring labours have been invaluable to us. I need not say that I concur fully in the congratulations offered to Mr. Carlyle, the Hon'ble Member in charge of the Bill, on having carried it through the Council. He has worked ungrudgingly, tactfully and successfully; and it must be a great satisfaction to him as he is about to go on leave that, even if his other heavy labours had not earned for him his rest, he has earned it by his work over this Bill. I desire finally to acknowledge the assistance which Government has received from all sides in the Council. The discussion yesterday and to-day has been long and arduous; but very little if anything has been done or said which has not seemed quite necessary. There has been no semblance of obstruction; and thanks to the full and free discussion of details which preceded our work here, we have pushed through the work in Council, as I have already said, promptly and satisfactorily."

The motion that the Bill be passed was then put and agreed to.

The Council was then adjourned to Saturday, the 6th April, 1907.

CALCUTTA;
The 3rd May 1907.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—21-4-1907—12616—300—C. O. G

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 6th April, 1907, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. K. G. GUPTA.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. E. A. GAIT, C.I.E.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU JOGENDRA NATH MUKHARJI, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. W. T. SPINK.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble IHTISHAM-UL-MULK, RASI-UD-DOWLA, AMIR-UL-OMRAH, NAWAB ASEF, KUDR SYUD WASIF ALI MEERZA KHAN BAHADUR, MAHABUT JUNG, NAWAB BAHADUR OF MURSHIDABAD.

The Hon'ble RAJA BAN BIHARI KAPUR, C.S.I.

The Hon'ble RAJA PEARY MOHAN MUKHARJI, C.S.I.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

QUESTIONS AND ANSWERS.

COURT-FEES IN THE SONTHAL PARGANAS.

The Hon'ble BABU JOGENDRA NATH MUKHARJI asked:—

Will the Government be pleased to state whether any additional Court-fee is leviable on a suit or on an issue raised therein, when such suit or issue has been referred to the Subordinate Judge for decision under the Sonthal Settlement Law? If not, will the Government be pleased to state if any Court-fee has been levied on such suits or issues in the Sonthal Parganas, and when not paid on demand, such suits have been dismissed?

The Hon'ble MR. CARLYLE replied:—

"This Government was advised in 1901 that no Court-fees are leviable under the Regulations at present in force in the Sonthal Parganas on a suit or issue raised therein, when such a suit or issue has been referred to the Subordinate Judge for decision under section 5 of Regulation III of 1872. Court-fees are, however, leviable on documents filed, exhibited or recorded after the transfer. Government was not aware before the receipt of the question that a different practice was followed. A report will be called for."

SUB-DEPUTY COLLECTORS.

The Hon'ble BABU JOGENDRA NATH MUKHARJI asked:—

(*a*) Has the attention of Government been drawn to a leader in the *Behari* newspaper of the 22nd January, 1907, and letters from its correspondents appearing in that newspaper of the 25th January, 1907, and 5th February, 1907, regarding the injustice done to Sub-Deputy Collectors in general and Bihari Sub-Deputy Collectors in particular, in the matter of promotion to the grade of Deputy Collectors?

(*b*) Are the allegations made in the said letters and leader to the effect—(*i*) that over 20 Sub-Deputy Collectors of the lowest grade have been promoted to the grade of Deputy Collectors superseding old and experienced officers of the first four grades; and (*ii*) that a Sub-Deputy Collector, who is not a graduate and who had not then passed the departmental examinations, was promoted from the fifth grade to the second grade?

(*c*) If so, will the Government be pleased to state its reasons for so doing?

(*d*) Is the Government aware that there is a general feeling of disappointment and dissatisfaction among the officers who have been serving for the last 10 or 12 years, but whose claims have been altogether overlooked in favour of quite junior officers?

(*e*) Will the Government be pleased to state under what circumstances extraordinary grade promotions such as those which were made in the cases of the Sub-Deputy Collectors referred to in (*b*) above are generally made?

(*f*) Is it necessary that officers receiving grade promotions, ordinary or extraordinary, should, before receiving such promotions, pass the Departmental Examinations? If so, will the Government be pleased to state why the Sub-Deputy Collector referred to in (*b*) above was promoted when he had not passed the departmental examinations?

(*g*) If the answer to question (*f*) above be in the negative, will the Government be pleased to state why other officers who had completely passed the Departmental Examinations before the introduction of the new rule, which makes passing in a second vernacular language compulsory, were not promoted to the next higher grade?

[*Mr. Carlyle; Babu Jogendra Nath Mukharji.*]

The Hon'ble MR. CARLYLE replied:—

"(*b*) *and* (*c*) Twenty Sub-Deputy Collectors of the 5th grade were made Deputy Collectors. These were officers who had been selected by Government in 1905 as suitable for Deputy Collectorships. They could not be provided with appointments as Deputy Collectors then, as at that time the Provincial Civil Service cadre had not been increased. They were accordingly given appointments in the 5th grade of Sub-Deputy Collectors, with a promise that their claims to appointments as Deputy Collectors would be considered when the cadre of the Provincial Civil Service was increased, provided of course they did well meanwhile.

"It is correct that a Sub-Deputy Collector, who is not a graduate and who had not passed the departmental examinations, was promoted from the 5th to the 2nd grade. This was done under exceptional circumstances.

"(*d*) It has been brought to the notice of Government that there has been some misunderstanding amongst some Sub-Deputy Collectors, and Government is glad to have the opportunity of removing it. The answers to questions (*b*) and (*c*) above will show that the appointment of the Sub-Deputy Collectors as Deputy Collectors was merely a matter of deferred appointment.

"(*e*) Extraordinary promotions such as that referred to in the case mentioned by the Hon'ble Member are made under very special circumstances. Each case is decided on its merits.

"(*f*) Officers receiving ordinary grade promotion should, before receiving such promotion, pass the departmental examinations according to the rules laid down by Government in its Resolution No. 3297A.D., dated the 29th September, 1906, published in the Calcutta Gazette of the 17th October, 1906.

"In the Resolution it is mentioned that extraordinary promotion may be given in special cases.

"(*g*) The answer to (*f*) being in the affirmative, this requires no answer."

PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU JOGENDRA NATH MUKHARJI asked:—

(*a*) Did not the Government promise at the time the Budget for 1906-07 was discussed that by the increase in the cadre of Deputy Collectors (which has since been effected in the financial year 1906-07) a number of senior Sub-Deputy Collectors would be promoted to the grade of Deputy Collectors? If so, will the Government be pleased to state why out of about 80 appointments made during the year in the last grade of Deputy Collectors, only 10 Sub-Deputy Collectors were promoted to that rank?

(*b*) Will the Government be pleased to state why, in making appointments of Deputy Collectors, the claims of Sub-Deputy Collectors of approved merit and ability have been overlooked in favour of outsiders with inferior educational qualifications and with no experience whatever?

(*c*) Will the Government be pleased to state whether it considers it desirable that the period of sub. *pro tempore* service of Sub-Deputy Collectors should be counted as one of qualifying service in calculating their claim to pension and leave? If not, why not?

(*d*) Does not Government consider it feasible to include the case of sub-*pro tempore* or officiating Sub-Deputy Collectors, in Article 375 of the Civil Service Regulations?

(*e*) Will the Government be pleased to consider the general question regarding the travelling allowance of Sub-Deputy Collectors, which it was pleased to state in reply to a question put in Council on the 7th April, 1906, that it had not considered till then? Does not the Government consider it very hard for such officers, in view of the work they are generally required to do,

[*Mr. Carlyle; Babu Jogendra Nath Mukharji; Mr. Gait.*]

that, ordinarily speaking, they should pay their travelling expenses from their pay? Does not the work of Government suffer in consequence of the rule that now exists on this point?

The Hon'ble MR CARLYLE replied:—

"(*a*) It does not appear from the discussions on the Budget for 1906-1907 that Government promised that, on the increase in the cadre of Deputy Collectors taking effect, a number of senior Sub-Deputy Collectors would be promoted to the grade of Deputy Collectors. Owing to the increase in the cadre, 53 officers were appointed substantively *pro tempore* to the last grade of Deputy Collectors, and 33 Probationers were appointed. Of the 53, 37 were promoted Sub-Deputy Collectors, or if the 20 Sub-Deputy Collectors of the 5th grade who received deferred appointment to the grade of Deputy Collectors under special circumstances be excluded, 17 Sub-Deputy Collectors were promoted.

"(*b*) The answer to this question is that the claims of Sub-Deputy Collectors of approved merit and ability were not overlooked.

"(*c*) *and* (*d*) The period of substantive *pro tempore* service of Sub-Deputy Collectors counts, under certain conditions, as qualifying service in calculating their claim to pension and leave. The case of substantive *pro tempore* Sub-Deputy Collectors is already covered by Article 375 of the Civil Service Regulations. The attention of the Hon'ble Member is drawn to the answer given to him in Council on the 7th April, 1906, on the subject. There are no Officiating Sub-Deputy Collectors.

"(*e*) The general question regarding the travelling allowance of Sub-Deputy Collectors has been referred to the Government of India."

APPELLATE COURTS IN THE SONTHAL PARGANAS.

The Hon'ble BABU JOGENDRA NATH MUKHARJI asked:—

(*a*) Will the Government be pleased to consider the advisability of withdrawing the power which Appellate Courts in the Sonthal Parganas now possess, of enhancing punishments in criminal appeals, and of bringing the law in this connection into conformity with the General Criminal Law of the country?

(*b*) Will the Government be pleased to state what local exigencies necessitated the introduction of such a law, and its perpetuation in the face of the fact that, out of a population of 1,809,737 souls in the Sonthal Parganas, 1,144,266, that is nearly two-thirds are non-Sonthals, and that the number of the non-Sonthal population of the area has been rapidly increasing in consequence of the development of trade and of the natural resources of the country?

(*c*) Does not Government consider that, even in the interests of the aboriginal population, it is more necessary that such a law should be abolished in the non-Regulation, than in the Regulation, districts?

The Hon'ble MR. GAIT replied:—

"I propose to give a general reply on the points raised in the questions of the Hon'ble Member. It must be remembered that the peculiar Sonthal system of criminal administration cannot lightly be set aside, and that it is very necessary to protect the interests of the aboriginal races for whom the ordinary Judicial system is in some respects unsuitable.

"The Hon'ble Member has alluded to the power of enhancing punishments which the Sonthal Appellate Courts now possess. The attention of the Lieutenant-Governor was drawn to this provision of the law in an address presented by the people of the district, and this subject as well as the whole question of the Judicial Administration of the Sonthal Parganas is now under the consideration of Government."

[*The President; Babu Kali Pada Ghosh.*]

THE BENGAL LOCAL SELF-GOVERNMENT (AMENDMENT) BILL, 1906.

The Hon'ble the PRESIDENT said:—"I desire to inform Hon'ble Members that the Government has come to the decision to postpone the consideration of the Bill to amend the Bengal Local Self-Government Act of 1885. The principal reasons which have led to this decision are two. In the first place, the Government of Bengal entirely agrees with what appears to be the unanimous opinion of the non-official Members of this Council, that the Road Cess should be devoted to the objects for which it is collected. The difficulty in the way of bringing this into an Act is a technical one, namely, that it is regarded as inexpedient to bind the hands of the Government and the Local Authorities alike by the provisions of an Act. Inasmuch, however, as we are all agreed as to the propriety of ear-marking the Road Cess, I am anxious to consider at leisure whether it may not be possible to get over this technical difficulty. My second reason is, that I hail with satisfaction the strong feeling in favour of Sanitary legislation; and I am somewhat loath to proceed with the Bill without making some effort to devise some sanitary provisions which may be acceptable to the Government of India, and may find a place in the Bill. I regret that this decision should be arrived at so late in the Session; but I think that I shall carry the unanimous approval of the Council with me in deciding not to take the Bill up this Session at all."

THE BENGAL FINANCIAL STATEMENT FOR 1907-08.

The Hon'ble Babu KALI PADA GHOSH said:—"Sir—Before entering into the dry details of the Financial Statement placed before us, I may be permitted to offer our thanks to Your Honour for inaugurating a happy change in the procedure connected with the preparation of the present Budget, a change which was foreshadowed in Your Honour's Budget speech of last year. Unlike the stereotyped method of enveloping the settlement of Budget details with official secrecy, Your Honour thought it proper to invite suggestions from some of the non-official Members of Council who were summoned to attend a Conference that was held for the purpose. I am not aware on what points the suggestions of the Hon'ble Members were sought or to what extent they were accepted. But what little share they might have been allowed in the preparation of the Budget, the principle of associating non-official Members with a matter which plays perhaps the most important part in shaping the affairs of the Province is indeed noble in its conception and may be far-reaching in its consequences. The greater the confidence reposed by the Government on the people entrusted to its charge, the more solid does its foundation become. In this connection it may not be out of place to observe that the suggestions made on the Budget by the non-official Members from their places in the Council do not count much. They are invited to offer their criticism at a stage which may be considered too late for any material modification of the Budget, and such criticism, as a matter of fact, is more often explained away than given effect to. The procedure adopted this year has at least afforded to some of the non-official Members an opportunity of offering suggestions at a time and in a manner which may be fruitful of results hereafter.

"In reviewing the Budget Estimate of 1906-1907, the Hon'ble the Financial Secretary has shown that the actual receipts of the year have exceeded the originally estimated amount by over 10 lakhs (Rs. 5,03,37,000 *minus* Rs. 4,92,72,000) and this increase has been shown as the net result of improvements under certain heads, such as Stamps, Excise, Assessed Taxes, Registration and Irrigation. The first-mentioned three heads are so elastic in their character that they can admit of any expansion or what is called progressive increase, without calling for special comment. But the increase of two lakhs under the head of 'Registration' is so unusual in its character that it is bound to attract

notice. It is said that this increase is due in part to the unfavourable character of the season in some localities which necessitated the execution of a larger number of bonds. No other cause having been specifically mentioned, one may infer that the increase is mainly due to the above cause, and if it be so, it is certainly not a matter for congratulation; on the other hand, it reveals rather an alarming state of things and presents a sad outlook for the Province. We are not also told which particular localities have contributed to this increase, but having regard to the excessive rise in the price of food-grains throughout the Province, one may presume that the people under the pinch of distress and poverty have had recourse to the borrowing of money to meet the necessaries of life.

"It is indeed gratifying to find that the Government of India have formulated a scheme for relieving the burden of the Provincial Governments on account of Famine Relief Expenditure and have made it possible for this Government to provide for about 8 lakhs to be spent for this purpose in the current year. We are grateful to the Government of India for this help in a matter of such vital importance. But regard being had to the distress that has prevailed in the Province during the last year, and to the high prices of food-grains in the current year and to the emergency which may arise through failure of rains or any other cause, the provision already made may not be adequate.

"In paragraph 14 of the Financial Statement where provision has been made for recurring outlay, no amount has been shown under the head 'Increase of pay of Ministerial officers in addition to the special grant made by the Government of India,' although we notice that a sum of Rs. 1,50,000 was put under this head in the last Budget. In Appendix B, under the head 'Land-revenue,' a sum of Rs. 1,40,000 has been shown in the place of Rs. 2,30,000 provided in the last Budget, and under the head 'General Administration' a sum of Rs. 2,17,000 which stood in the last Budget has also been provided in the present Budget. I hope the Hon'ble the Financial Secretary will favour us with an explanation as to the cause of this apparent omission or decrease, and give us an assurance that these changes do not affect the main object in view. All that we are anxious to know is, when Government will be in a position to give effect to this long-deferred scheme, so that relief may at last reach the hardworked and poorly-paid Ministerial officers.

"Turning to the vexed question of Sanitation which carries in its train the question of Water-supply, we do not find anything in the present Budget which may lead us to think that this question is engaging the special attention of Government. Instead of any increase in the provision under this head, the special allotment for anti-malarial measures which was put down at Rs. 20,000 last year, finds no place in the present Budget.

"It is said that the whole Medical Department is maintained for the purpose of combating all sorts of diseases, Malaria including, and there is therefore no need for making any special provision for Malaria. It is true that a sum of Rs. 23,63,000 has been provided under the Budget head 'Medical,' but the question is, how much of it is available for medical relief of the rural population stricken with Malaria. Out of this amount, if anything can possibly be claimed for such relief it is the provision of Rs. 1,25,200 shown under the sub-head 'Grants to Mufassal Hospitals and Dispensaries,' but we know it as a matter of fact that the major portion of such grants is given to hospitals and dispensaries which are mostly situated at the head-quarters of districts and sub-divisions. It is superfluous to say that no appreciable relief can reach the rural population out of this grant.

"We have been further told that it is the duty of the District Boards to give adequate relief in the matter of Water-supply, and that the Government is prepared to contribute towards the expenditure for this purpose. It is certainly not our object to quarrel with the Government as to the source from whi-

[*Babu Kali Pada Ghosh.*]

relief ought to come, and we shall be satisfied so long as we find that steps are being taken to remove this grievance, perhaps the greatest grievance of people inhabiting the rural parts of the Province. Sir, this question has been pressed upon the attention of the Government times without number, but as it is a question of life and death, it can bear repetition. It would certainly be a matter of great disappointment if Government would simply rest contented by throwing its responsibility in a matter of such importance on the District Boards. It is said that the District Boards do not appear to regard the matter as one of urgency and are not therefore keenly interested in it. I do not think that any District Board is prepared to plead guilty to such a charge. So far as I am aware the District Boards are keenly alive to the importance of this question, but, limited as their resources are, they find themselves unable to afford material relief in this direction. Unless Government would take up the question in right earnest and be prepared to place funds at the disposal of the District Boards, specially for this purpose, there is little chance of anything substantial being done out of the funds of the District Boards. If the wealthier classes of the people are convinced that the scheme organized for affording relief in this matter has found favour with Government, they will join hands with it with as much liberality as they do in many works of public utility initiated by Government.

"With special provision in the Budget for Water-supply and a portion of the annual grant to the District Boards ear-marked for the purpose and with private contributions which, we are sure, will be forthcoming, a practical scheme for such water-supply may be effected. I feel assured that the country will welcome such a scheme with feelings of deep gratitude to Government, even if it be effected at the curtailment of expenditure on other projects.

"I may be excused for taking the time of the Council by speaking on a matter which, it may be thought, has been rendered stale by repetition, but it should be borne in mind that I am pleading the cause of millions of suffering humanity whose voice is too feeble to reach the ears of Government.

"Under the head of 'Excise Receipts,' we find that the revised estimate for the year 1906-1907 has been passed for Rs. 1,60,80,000, showing an increase of more than 8 lakhs over the actuals of the preceding year. We are told and told on high authority that mere increase in the Excise revenues is not necessarily an indication of greater consumption of intoxicants, and such increase is quite compatible with the avowed Government policy of discouraging drinking. We do not certainly claim to possess what may be called expert knowledge of Excise Administration but to us, the uninitiated, the above statement seems rather inexplicable in the light of stern facts which we come across in our every-day experience. I may be permitted to place before the Hon'ble Members of the Council certain facts which are within my personal knowledge and leave the Members to draw their own conclusions from them.

"In the Division of Chota Nagpur where there is a large class of aboriginal population who are notorious for their drinking tendency, we find that the Excise revenue is steadily increasing and within the last 10 years it has doubled itself. In the year 1897-98, the revenue was Rs. 8,61,880 and in the year 1906-1907, it swelled to over 16 lakhs. It is said that the increase is due partly to the greater prosperity of the labouring class owing to a rise in their daily wages, but, so far as Chota Nagpur is concerned, there has hardly been any appreciable increase in the wages of the labouring class, except that last year owing to a rise in the price of food-grains the wages have slightly risen, and what was two annas before is two-and-half-annas now. There can be no doubt that the excessive drunkenness instead of indicating prosperity in the lower classes is contributing to the increase of poverty amongst them. This undisputed fact is noticed by an officer possessing long experience and an intimate knowledge of that part of the country, no other than the Hon'ble Mr. Slacke who is now sitting with us and who in his report on the administration of the division, when he was its Commissioner, made prominent mention of it.

"None can fail to admire the avowed intentions of Government as far as they appear in Circulars and Regulations and in Statements emanating from high authorities. We are assured that it is the intention of Government to keep the prices of the stimulants reasonably high and not to afford undue facilities in the way of obtaining intoxicants and we know that Circulars have been issued prohibiting location of liquor shops in the markets or at their entrances or near the main roads. If this be the settled policy of Government to check undue growth of drunkenness, it has, so far as I am aware of the circumstances of Chota Nagpur, been lamentably disregarded. The price of liquor, I mean of ordinary *mahua* liquor, in which the lower classes of people generally indulge, has been kept steady for years and years and except in the immediate neighbourhood of head-quarter stations, the price has not undergone any appreciable change, and a bottle of *mahua* liquor which was selling ten years ago at one anna in the interior of the districts, is still selling at that price. As regards the location of liquor shops, we find that in the case of 156 shops in the district of Ranchi, 110 are situated at or in the immediate neighbourhood of markets, and the rest on the main roads or close to them. The sites of the shops, so far as the other districts are concerned, are equally objectionable.

"Sir, may I ask whether in a country inhabited by people of known drinking habits, the existing circumstances, as indicated by the above facts, afford proper check on their drinking tendency, or whether they are not calculated to stimulate such tendency? To show to what extent the habits of intemperance in drink are prevailing among the aborigines and the deplorable consequences resulting therefrom, I cannot do better than refer to a passage in a Memorial which was submitted to Government sometime ago by some of the representative people in the district of Ranchi, and to which I have already invited the attention of Government. After stating certain facts, the Memorial goes on to say:—

'Colonel Swaine, I.M.S., for many years Civil Surgeon and Superintendent of the Jail in Ranchi, writes thus of his experience:—"I found that a large proportion of serious crimes, such as assaults and murders, were committed during the state of intoxication, and not only this, but numbers of persons die from exposure and congestion of the lungs, especially in the very cold weather. They leave the liquor shop hopelessly drunk, usually late in the evening, they stagger along for a time, then fall down and are found dead in the morning. In my experience, I have seen many such cases brought for *post mortem* examination." That deaths directly due to over indulgence in *darú* still occur, is the experience of many.

'On bazar days, it is a common sight to see the road side strewn with men and women in various stages of advanced intoxication.

'Besides this, many of the people waste a large proportion of the money they have brought for purchasing necessary articles for home use in the liquor shop.'

"In the face of these facts, can we become convinced of the increasing prosperity of the labouring class which the increase in the Excise Revenue is supposed to indicate? True, the Government is not openly inviting people to indulge in drinks and it is equally true that no compulsion is placed on licensees to take out licenses, but that is not certainly the means to keep a check on the growth of drunkenness in a country where the people cannot help themselves. I am indeed thankful to Government for the most sympathetic answer that was given to my question on this subject, and I am glad that a matter which is demoralizing these pepole and ruining them in body and mind has engaged the special attention of Government.

"On the subject of 'Education,' the tabular statement given in page 11, showing the growth of expenditure under this head does not form a very useful guide, as it presumably contains the combined figures for both the Provinces up to the year 1905-1906. But even the statement as it stands affords sufficient materials for reflection. 'Direction' which cost only Rs. 78,000 in 1901-1902 for both the Provinces now rises to a lakh for only one of them; and what is more striking is that 'Inspection' which cost Rs. 2,47,000 in 1901-1902 for United Bengal has swelled to Rs. 4,78,000 only for this Province. These have evidently gained at the expense of some worthier objects of State

[*Babu Kali Pada Ghosh; Raja Peary Mohan Mukharji.*]

support, the University and the Government Schools General, for example, the wants of which are many but for which no liberal provision has been made. Certainly the expenditure on 'Education' is growing year after year and we are immensely grateful to the Government for this increased appreciation of our educational needs, but if the objects of lesser importance swallow up the increase at the expense of comparatively worthier objects, the full measure of the blessing cannot be appreciated.

"Against grants-in-aid, it is presumed, are shown all sums paid to Primary as well as Secondary Schools. If so, there is no means of finding to what extent each of these two important branches of instruction is receiving the treatment it deserves There are reasons to believe that while Primary Education is justly receiving its due share of attention, as far as possible, Secondary Education, both English and Vernacular, is not being dealt with in the same spirit and that accordingly most of the aided High and Middle Schools in the Province are in receipt of exiguously small grants, which again are being unsparingly reduced every time when an application comes up for renewal.

"While it is a matter of sincere gratification that the Government of India have allotted large sums for Education, it is disappointing to find that no adequate provision has been made in the Budget for Technical Education. I believe I voice the feelings of the entire public, when I say that a Polytechnique on a broad basis is the crying need of the country at the present day.

"I cannot conclude without expressing my thanks to the Hon'ble the Financial Secretary for presentation of a Budget containing several useful schemes for reform proposed to be undertaken during the current year. Generally speaking, these projects have been fairly distributed all over the Province, but one thing that we cannot fail to notice in this connection is, that some of the provisions that were made last year under the head 'Civil Works' have been carried over to the present year apparently for non-execution of the works. In the division of Orissa, the only project proposed to be taken in hand this year is the drainage for Puri Municipality at Rs. 75,000, but a similar provision was made in the last Budget. I hope the amount allotted last year has all been spent for this purpose, and the present year's allotment is a supplementary grant."

The Hon'ble RAJA PEARY MOHAN MUKHARJI said:—"By giving Hon'ble Members an opportunity of examining, in Chamber, the Financial Statement by the light of the information which the Hon'ble the Financial Secretary could place at their disposal, Your Honour's Government has done all that an honest Government, sapiently bent upon allowing its policy to be submitted to the search-light of unsophisticated criticism, can do to avoid error. The procedure calculated to raise the Council in the estimation of the country has been eminently satisfactory in its results.

"The Provincial Revenues and Expenditure have been brought into a condition of proper equilibrium, and adequate provision has been made for the requirements of a progressive civilization. Far be it from me to assume the pontifical attitude in criticising the Financial Statement. I am quite content to rely on the judgment of the responsible Officers of Government in the matter of the distribution of the assets for meeting the demands of the different departments of the State.

"I cannot, however, disguise from myself the fact that the provision relating to Famines is anything but satisfactory. Instead of relying on precarious assignments from the Government of India for meeting the demands of famines which ever and anon afflict the country, it would be more satisfactory if a part of the money raised by the Public Works Cess be set apart for the purpose. This would be in consonance with the declarations made at the time that the Cess was imposed. Famines should not be treated as abnormal or exceptional calamities. Sound financial principles require that the obligations entailed by famines upon Government should be expressly recognized and provided for among the ordinary charges of the Provincial Government.

[*Raja Peary Mohan Mukharji; Raja Ban Bihari Kapur; Nawab Bahadur of Murshidabad.*]

"There are two other questions—the improvement of the Police and the improvement of the Ministerial Staff of the Courts—to which I would invite the particular attention of Government. I am pleased to find that provision has been made in regard to both these questions. I would, however, beg leave to suggest that an inconsiderable part of the money allotted for the re-organization of the Police and for increasing the pay of ministerial officers of Courts should go to establish and maintain Vigilance Committees in every district. The reform of the Police and of the Court Officers would be a hopeless task, unless the people co-operated with the Government for effecting it. The action of organized bodies in this respect would not only be more effective, but would also be free from the stain of interested motives which might otherwise be cast upon it."

The Hon'ble RAJA BAN BIHARI KAPUR said:—"Your Honour, the Budget before us to-day, which has been very admirably framed by the Hon'ble the Financial Secretary, must be declared a Prosperity Budget.

"It is a matter of great satisfaction indeed that our finances are steadily improving, and that we can safely look forward to an increase of receipts from all sources of Revenue from year to year.

"I feel very great pleasure in congratulating Your Honour and the Hon'ble the Financial Secretary on such a good Budget. The Budget is clear, simple and comprehensive. It fully supplies all necessary information, and its allotments are reasonable and fair. I shall not detain the Council long, as I do not consider it necessary to discuss the Budget in detail. I shall confine myself to two heads only.

"It is a matter of satisfaction to find that the Imperial Government have been pleased to make a separate grant for the building up of a reserve of credit with the Imperial Government on which your Government will be able to draw when they have to cope with Famines. The Provincial Funds, being thus relieved to a certain extent, will be better able to meet other necessary calls for the benefit of the Province. I desire to offer through Your Honour our thanks to His Excellency the Governor General in Council for the inauguration of the system under which the Provincial Government will be spared the obligation of meeting the whole cost of Famine.

"I am thankful to Your Honour for the provision of Rs. 1,50,000 made in the Budget for the 'paying patients' block for Indians in the Medical College Hospital, Calcutta.' But I understand, Sir, that the whole of this amount will be required for the purpose of acquiring land for the building of the blocks, and nothing will be available for the construction of any of the five separate double-storied blocks for the accommodation of the patients. I have not seen the estimate as to what each block of building is likely to cost, but I am informed that each block of building will probably cost about Rs. 30,000 to Rs. 35,000; may I, therefore, be allowed to ask Your Honour to set apart Rs. 60,000 to Rs. 70,000 more for this work from our estimated surplus and to order the construction of at least two blocks of building for receiving inmates before the closing of the present financial year?

"If this proposal meets with Your Honour's approval, then we shall have three blocks of buildings completed during the year, *viz.*, one with the handsome donation made by the worthy citizen, Seth Seoprasad Joonjoonwala and the other two from the surplus of the Provincial Funds. I need hardly repeat, Sir, that this is a real want, and sincerely hope that Your Honour will be pleased to remove it at an early date."

The Hon'ble IHTISHAM-UL-MULK RAIS-UD-DOWLA AMIR-UL-OMRAH NAWAB ASEF KUDR SYUD WASIF ALI MEERZA KHAN BAHADUR MAHABUT JUNG, Nawab Bahadur of Murshidabad, said:—"I think the present Budget offers few points for controversy, and as such I have very few observations to submit by way of criticism.

[*Nawab Bahadur of Murshidabad.*]

"The Budget Statement discloses the fact that though high prices prevailed during last year, Government Revenue did not suffer and, in fact, considerably exceeded the estimates, thus enabling Government to meet the unexpected demand consequent upon Famine expenditure, which has not been anticipated originally, but which unfortunately was incurred, without having recourse to the necessity of curtailing expenditure on other heads. This, no doubt, reflects credit upon those concerned in the collection of the revenue. It is always prudent to make provision for Famine expenditure. It is, however, a relief to be told that such provision is not necessary to be made now, although a large amount will possibly have to be incurred on account of Famine, because the expenditure on that account will, under the new scheme, be met from Imperial Revenues, which will be some relief to the Local Government.

"Speaking of last year's receipts, an increase of nearly two lakhs in the Revenue, derived from Excise, is an increase which is liable to be viewed with dissatisfaction, if it indicated an increased demand for and an increased consumption of exciseable articles, a state of things which is not much to be desired; but it is some satisfaction to know that this increase is ascribed to more satisfactory settlement than to anything else. It is to be hoped that the increased estimate in the present Budget will, if approached, be not due to increased consumption, for nothing can be more objectionable than any increase of the Excise Revenue from an expansion of the traffic in exciseable articles, the disastrous consequences of which, as much their cause, it should surely be one of the foremost thoughts of Government to avoid. The allotment of a larger amount for the construction of small spirit depôts seems to be an objectionable item, to which advocates of temperance will, no doubt, take exception; for the greater are the facilities offered by placing exciseable articles within easy reach of consumers, the more will be the opportunities afforded to obtain without difficulty supplies resulting, as a matter of course, in more consumption.

"Though the expenditure under the head of 'Education' has been an ever-increasing item, for which we must all be grateful, yet less cause for complaint would have been given if it were found possible to provide a still increased allotment, for there are few causes which demand the yet greater attention and deserve the yet further help of Government than the cause of Education. Looking to the fact that great importance is now rightly attached to more extensive Primary Education, the larger the sums spent thereupon, the better for the country.

"The provision for a class for the training of Motor-car Driver Artisans is as opportune as it is necessary and, being in the right direction, will be hailed not only by those who own or desire to own motor-cars, but by the public generally, in view of the possibility of minimising accidents, which untrained or imperfectly trained drivers are now responsible for.

"The handsome provisions for *Maktabs* will be welcomed by my co-religionists, who are so much in need of help and encouragement, so far as matters educational, in particular, are concerned. Properly administered, the allotment is bound to work out good results.

"Equally satisfactory is the large allotment for training institutes for Primary School Teachers. It is of the utmost importance to put pupils in charge of well-trained and duly qualified teachers, and no provision can be too high for institutes designed for the proper training of those who in their turn will have to take charge of the training of the youth of the Province. Whatever might be said of the sufficiency of the total allotment under the head of 'Education', the sum of four lakhs and fifty-four thousand for Primary Education seems to be a fair proportion, though a larger allotment would no doubt have been much more appreciated.

"I am sorry the improvement of the Bhagirathi River finds no place in the estimate of the year. That is a subject upon which, to a large extent, depend the life, health and happiness of the population of a large area, bordering on the

[*Nawab Bahadur of Murshidabad.*]

river. Though the Railway Lines on both sides of the river will, to some extent, remove the inconveniences to traffic which the silting up of the river has caused, yet they would not in any way, I respectfully submit, improve the river as a great source of water-supply. The stagnation of the water is attended with all its evil consequences, and the opening up of the mouth, as also the keeping up of the canal, by inducing a current from the Ganges, would be a great boon to suffering humanity. A dredger has more than once been demanded. One costing four and-a-half lakhs has been brought out from England. If possible that should be spared for work in the river. Considering that the Bhagirathi, even in its moribund condition, brings in a large income in the shape of tolls levied on all boats which pass up and down the river, two or three years' proceeds spent upon a dredger will not be money misspent. The necessity of providing an adequate and healthy supply of drinking-water to the riparian villages still exists, and ought never to be lost sight of.

"The provision for the construction of residences for Munsifs is one in the right direction. Considering how hard-worked these officers are, and the difficulty of procuring decent rented houses in the Mufassal, the construction of quarters in each chowki should be carried out as soon as possible.

"I am glad to find that the Budget provides for the erection of an Obelisk at the battle field of Plassey. I hope the proposed monument will be majestic in proportion to its importance. The rest-house at Plassey, already constructed, has removed a great want, but the several pillars and other land-marks, which have been erected throughout the field, are too small and liable to be concealed in the growing crops. These might well be substituted by larger pillars with descriptive tablets. The plan of the field might with advantage be hung up on the walls of the rest-house, and the whole of the field, which was the scene of operations, might, if possible, be acquired and converted into a Park for the hard-worked people of Calcutta to resort to, to spend a holiday, now that Plassey is within easy reach by the opening of the Murshidabad branch of the Railway, which with an increased speed, for which there is room, will bring Plassey nearer to Calcutta and render it capable of being done in less than 24 hours' journey both ways, and halt included. In this connection, I beg to draw the attention of Government to the desirability of transferring Plassey from the jurisdiction of Nadia to that of adjoining Murshidabad, with which it is so indissolubly connected and associated.

"There is no subject to which Government can bestow greater attention, and for which more outlay can with propriety be made than Sanitation. Beyond half a lakh provided for Sanitary Improvements in Darjeeling and certain allotments to Municipalities for Civil Works, I regret to miss in the estimates any scheme for the general improvement of the sanitation of the Province. There are parts of it which may require greater and earlier attention than others, but there can be little doubt that the necessity exists of thoroughly investigating into the general unhealthy condition of most districts, most prominent among which I regret to have to mention my own. If the matter were inquired into, it would at once become apparent that unhealthiness is commensurate with the exuberance of rank vegetation, which unfortunately is showing signs of increase all round.

"True it is that in Urban and Municipal areas, the law gives ample powers to local bodies to cut down and remove vegetation noxious to health, but the appearance of such areas does not at all show that the provisions of the enabling sections of the Municipal Act are carried out with any degree of vigour. The case of areas covered by the Local Self-Government Act seems to be still worse. Here whole villages are removed from the action of free air by the high and impenetrable walls of trees and jungles with which they are surrounded. The removal of trees, which are sometimes fruit-trees and sometimes timber, is not free from difficulty; but the rank vegetation and the undergrowth can surely be dealt with and the arms of law can surely reach them.

[*Nawab Bahadur of Murshidabad.*]

"In Sanitary matters as in most other matters, we are in need of Government help, and unless Government takes the initiative, there is little hope of our being relieved of our sufferings. The people are already thankful for the inquiries which have been started by members of what is known as the Drainage Commission; and when they have gathered statistics and completed their investigation and submitted their report, there is little doubt a scheme will be formulated, whereby the drainage of the Province, obstructed by railways and embankments and otherwise, will be improved and defective drainage, now one of the fruitful sources of Malaria, will be a thing of the past. The cases are worst where deficient drainage, coupled with superfluity of vegetation, which prevents sun, light and air to have free access, brings suffering to humanity.

"I think there ought to be in Bengal a regular and thorough organization for the extermination of jungle, that is showing an ever-growing tendency to increase. If a Commission is appointed, or the Drainage Commission, already appointed, be instructed to direct their inquiries with special reference to the cause of unhealthiness so far as it is due to the overgrowth of jungle, any additional money, spent in that direction, will be money not spent in vain. I crave leave to plead specially the cause of my own district. Murshidabad is an old historic place, full of historic associations, and no one would like to see it reduced and converted into a great jungle. If any experiments have to be made, let us begin with Murshidabad. If my information is correct, the death-rate in the old city, its suburbs and adjoining villages exceeds the birth-rate, and I am afraid that if things go on at that rate the time is not distant when there will be left not one human being in this area to tell the tale of its misery.

"I think this is a matter which should invite the earnest attention of Government. I confess that much of what is required to be done may be done by local bodies, but they are hampered by the insufficiency of the funds at their disposal, and an organized scheme, capable of coping with the exigencies and requirements of the occasion and the enormity of the subject, is beyond the power and purse of most local bodies. Here it is that Government must step in to do for us what we cannot do ourselves. It is not for me to suggest, much less to dictate, what exact line of action Government should adopt. All I wish to press for is, that anything which persons in a position to give authoritative opinion upon can suggest should be attended to in order to improve the sanitary condition of the Province, as much by expeditions against mosquitos and the proper drainage of low and marshy tracts, as by the cutting away and removal of rank, unnecessary and obnoxious vegetation, which has encroached to a large extent on most villages in Bengal, and to which hitherto has not been paid that degree of prompt, earnest and systematic attention which the serious evils resulting from them so urgently demand.

"There is one other matter which should engage the first and foremost attention of Government, and that is the high prices of Articles of Food, specially rice that has become, so to speak, chronic. The fact that notwithstanding the harvesting of a comparatively bumper crop, high prices, almost famine prices, still prevail, is a matter for very serious consideration. We have been told that this state of things is due not to increase of exports but to the encroachment made by jute upon paddy land and the abnormal storage of rice by growers and others for their consumption as a safeguard against a recurrence of famine. Whatever may be the cause, to whatever this state of things may be ascribed, there is a growing feeling that rice at any rate and at any cost must be made cheap, so that the classes that are affected most by high prices may afford, with their limited means, to have at least two full meals in twenty-four hours. People would not grudge so much at the high prices of luxuries or even of things not so absolutely necessary as the high price of what forms the staple of Bengal. Give them rice, the same weight for the rupee as it used to fetch twenty years back, there will then be not that general complaint which now so unfortunately prevails. That is a common-sense view of things.

[*Nawab Bahadur of Murshidabad*; *Babu Jogendra Chandra Ghose.*]

"I hear very little now-a-days of the *golas* or rice depôts that were started or proposed to be started with a view to meet the requirements of a bad year. I do not know if much has been done in that direction. Hence it is that Government intervention and Government action are necessary to devise means, which will induce or enable the actual tiller of the soil to devote more attention and give more land to the cultivation of paddy and less to that of jute, and which will place his neighbour, whose profession is not to hold the plough, but whose life, health, ease and comfort depend to a large extent upon the extended cultivation of paddy, to give himself and his family, dependent upon his earnings, two full meals a day.

"Your Honour, the matters relating to Sanitation and high prices upon which I have taken the liberty of addressing the Council are of such general importance that the appointment of one or more Commissions to thoroughly investigate is a matter for the serious consideration of Your Honour's sympathetic Government, and will, I have no doubt, be greatly appreciated by a people who are already grateful for your beneficent rule."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"Your Honour, it would be ungrateful on our part not to acknowledge the great concession made by Your Honour of allowing the non-official Members an opportunity of considering the Budget before it is placed in the Council. This year's experience has been rather disappointing on account of the fact that we had the Budget placed in our hands at the Meeting and had no time given to us probably because it could not be given to us of considering it, excepting there. To make the experiment a success, two things are necessary, first, a desire on the part of the Officials in charge to seriously consult the non-official Members and to ascertain from them the needs of the country and not to be impatient of their criticisms and suggestions; second, on the part of us, non-official Members, industry, knowledge of the country and a courageous and earnest striving, to make the country advance in all matters, in co-operation with the Government.

"It is usual to congratulate the Financial Secretary on the Budget, and I do so with pleasure. But if I linger long on felicitations or on idle criticisms and high politics and fine phrases, I shall miss the opportunity of directing the attention of the Government and of the Council to matters on which depend the true welfare of this country.

"Now I shall go to the consideration of the Budget. I must say it discloses a condition of lamentable inaction on the part of the Government for the good of the people, which is wholly at variance with the known earnest desire of Your Honour to help the people, and for which probably you are not responsible. If we look at page 4 of the Budget, we find that most of the improvements for which money was sanctioned last year have not been carried out. The grants for the paying patients' block for Indians in the Medical College Hospital, acquisition of the Haritola Bustee, near Campbell Hospital, double-storied block in Campbell Hospital, Calcutta Municipality Incinerator, Bhagalpur Municipality Water-works, Nadia Municipality repairs to Embankments, Monghyr Municipality Water-supply, Berhampore Municipality Drainage, Puri Municipality Drainage, made last year have been repeated this year. I find also that many of the improvements for which money had been budgetted the year before last have not been carried out. Indeed, very little of the good contemplated by Your Honour during the last two years has been carried out.

"Further, we have gone back. Last year Rs. 75,000 was sanctioned for the Bhairab Valley Drainage, this year it has been struck out altogether on the ground, I understand, that the project is not ready. My complaint is, that we are never ready. Again, I do not understand why, as regards the grant of Rs. 75,000 to the Puri Municipality, while last year it was stated that Rs. 25,000 was for Drainage and Rs. 50,000 for Sanitation, this year the entire amount has been ear-marked for Drainage only. Probably the words 'and

sanitation' have been omitted by mistake. But it is a mistake which ought to be rectified.

"I further do not see why the India Government should not pay the sum of Rs. 1,50,000 budgetted for the new Presidency Jail consequent on the building of the Victoria Memorial on its site. Again I do not understand why a sum of Rs. 1,20,000 has been budgetted for the re-alignment of the drains of the Presidency Jail, by which I understand the present Jail, when it is going to be removed within a very short time.

"There is no reason assigned for the fact that for the Obelisk at Plassey, the sum budgetted this year is Rs. 25,000, while last year it was only Rs. 15,000.

"Again the large sums granted for Sundarban reclamations should be objected to on the ground, first, there are more urgent needs of the country, and second that it violates the principle hitherto followed that the Government should not be competitors with private capitalists in such work to the detriment of the latter.

"At page 13 of the Budget, I find under heading 'Civil Works' the expenditure for original works and repairs is estimated at about Rs. 60,50,000 and the establishment cost is laid at Rs. 8,80,587. The establishment cost is thus about 14 *per cent.* of the expenditure. I believe that it is possible to reduce the establishment cost to 10 *per cent.*, especially when all Government work is done by contractors, and a saving of about Rs. 3 lakhs should be made if possible for original works. The works in the districts may be done by District Board Engineers without any payment if they are required to do so by the Government. Indeed, it is possible greatly to reduce the establishment cost.

"This brings me to my main contention. The Government is aware of the extraordinary unhealthiness of the districts of Murshidabad, Krishnagore and Jessore. Life is one continued suffering for the people in the interior of these districts on account of Malaria. The deterioration of the rivers and the water-channels is mainly responsible for the result. The Government has up to this time simply stood by and looked at the result in mute despair. Difficult to mend matters. Rivers, if excavated, will again silt up. Impossible. Inquiries have been set on foot. Inspections made. These are the explanations for inaction we are accustomed to. The Government is aware of the vast schemes of Canal carried out in France, Germany and Russia for commercial and military purposes. Here, in Bengal, for internal commerce and for drainage and for keeping out the salt water of the sea, we require to keep alive the dying rivers of the Presidency Division. We require it for our lives. We can certainly canalize the existing rivers and have Canals at very much less cost than in the European countries mentioned above.

"At page 23 of the Budget, I find that the toll receipts of the Nadia rivers have, within the last 3 years, fallen by Rs. 70,000 a year. The revenue is thus also suffering. Now to mend this state of things is certainly possible but it will entail a large expenditure. But it is possible for the Government to incur a large expenditure. It is doing so for the Town of Calcutta where the European residents have become very much afraid of the Plague. So far as the districts are concerned, we have been standing still in all things, as I shall presently show. I earnestly ask Your Honour's Government to be more courageous and make the country advance. My contention is, that all works of public utility should be done not out of Capital but out of Loan account. We spend 70 lakhs for works every year. We can at once spend 7 crores of rupees on works, if we do the works by loan, leaving still a large margin for ordinary expenditure. In 20 years' time the loan may be paid up, and we may take up other works. That is how work is done in every progressive country. And many of these works will be productive.

"I found no reason in the criticism of the Hon'ble Mr. Gokhale in the Imperial Budget discussion that the Government should only make unproductive expenditure. Only ball-rooms, Government buildings, decorations and the

like are strictly unproductive. Everything that is truly good for the people is worth paying for by them and can be made to yield a return if necessary. If the Government will not do such works, the people themselves will do them at their own cost. I trust the Government will not adopt the policy advocated by Gentlemen whose *forte* is high politics. We want water-ways for the development of the inland trade, for the carriage of our jute and rice. We want a proper Drainage system for the districts. We want also more Railways. We want to fight Malaria which prevails not only in the districts I have mentioned but in Western Bengal, and is advancing to Midnapore, Bankura and Birbhum. It is no time to stand still. Bengal is advancing materially by leaps and bounds, through the development of the industries of foreign countries and through the railways built by private European companies. The Government is doing very little for the people. Excepting the Tribeni Canal, since the making of the Sone and Midnapur Canals which are paying works, the Government has simply done nothing for the Irrigation, Water-ways and Drainage of the districts.

"It is very well known that good drinking-water is essential for the health of the people. The Government, I find, has made inadequate grants to enable some District Town Municipalities to have pure filtered water. Sufficient funds should be placed in the hands of all District Towns to enable them to have filtered water *at once*, instead of asking District Boards to make grants for the purpose. Life is short. If the present generation of men suffer and die, what do they care for what may come to pass after them? What has the Government done for the prevention of Malaria? We hear of the mosquito theory. It may be good. But we want the remedy to be adopted—jungles to be cleared, dirty water-pools to be filled up, good drinking-water to be supplied. Large expenditure is necessary. District Boards, Village Unions and the like are not able to grapple with this great question. The Government should take it up. I plead for a change of policy, and that is, great works should be taken up and all original works should be done out of Loan account.

"I next go to the matter of Education. I find the Budget defective, as there is no heading of the expenditure under Primary Education or Female Education. It is fortunate for the Government that it is so. Here also we have been standing still, so much so that we have not been able to spend the 10 lakhs of rupees granted by the Government of India in 1905 for Primary Education and entered in the Bengal Budget. I know people find it very difficult to spend money on works of beneficence, but I did not expect to find it in our Government. The fault again is not with the Head of our Government but with those who have the carrying out of work.

"Primary Education, I understand, cannot advance because *gurus* require training. If we are to train *gurus* first and then teach our boys, we shall have to let the present generation go without education. We, who have seen the old system of *pathsalas* do not appreciate the difficulty. Female education is also at a standstill, because we are told we have got no female teachers. If we have to wait for female teachers, I am afraid our girls shall have to go without education. It would be a long time before we shall be able to get orthodox ladies to take to teaching. Everybody in Bengal knows that there is no objection to girls below 12 being taught by male teachers. But the Government answered to a question put by me that that was not correct, and it was not possible to start Middle Vernacular Schools without male teachers. The answer was given to me who is the Secretary of one of the most orthodox and largely attended of such schools. This year I am glad to find a lump provision of Rs. 4,54,207 for Primary Education of boys and girls, including an extra amount of one lakh of rupees granted through I believe the personal intervention of Your Honour and on account of the persistence of some non-official Members. I trust the amount will be spent.

"Similarly, Your Honour has repeatedly expressed your desire to establish a properly-equipped Technical School in connection with the Sibpur Engineering College. We find this year a trifling sum budgetted for the Industrial

[*Babu Jogendra Chandra Ghose.*]

Chemistry Class. It has been stated that all the departments will be started in time, but the arrangements cannot be made all at once. All this is excuse for inaction. We are at a standstill in everything. In the matter of Education we are probably going back, as the remarkable falling off in the number of Entrance Examination candidates showed last year. That probably is owing to the unpopularity of the reformed University. But that we are not advancing as we should do, as Japan has done and is doing, is a fact, and we hold the Government responsible for it.

"I next go to our expensive Civil Service. The Partition of Bengal has added to our burden on that head. We have a legitimate grievance in this matter. Mr. Naoroji, during the last Congress, spoke of the fact that the Statutory Civil Service obtained by him for the people of the country has been abolished as one of the great disappointments of his life. Some few appointments, as District Judges and District Magistrates, are now given to natives of India. They may be left out of consideration. What reason is there that at least one-third of the appointments now held by Covenanted Civilians should not be given to the people of this country? The abolition of the Statutory Service has been a retrograde measure making the administration more expensive. In the interests of economy, in Bengal at least, it should be revived.

"I must thank the Government for the grant of Rs. 40,000 for the residences of Munsiffs.

"I should here mention that Assistant Surgeons are also entitled to proper houses in which they can live with their families. Now in a few districts they get two rooms in the Charitable Dispensaries for their quarters. Theirs is a hard-worked and very ill-paid service. I trust Your Honour will kindly take their case into consideration.

"This leads me to a very important matter. Your Honour has observed the extraordinary rise in the price of rice. To the cultivator, it probably means prosperity. But to the *bhadrologé* class it means ruin. No doubt they are not more than 10 *per cent.* of the population, and they are the people who are in the front of all agitations against Government measures. But their shortcomings should be forgotten in pity for their helpless condition notwithstanding the assertion made by a few irresponsible men among them that they have the power to overturn the Government and set up a Government of their own, and which they cannot do because they have not yet been able to decide whether it is to be a Monarchy or a Republic. Just now they have to depend only on Government Offices or the Law Courts for their livelihood. There are people whom the extremists sometimes cry shame upon, who are working without ceasing and who have determined to sacrifice everything in order to secure for the people independent means of livelihood and they, I hope, will succeed in their efforts. But still it behoves the Government to devise measures for the greater employment of the educated classes. In any case, having regard to the fact that the rise of food-grains means the depreciation of the value of the rupee, the Government should, without delay, consider the advisability of ordering an increase of salary, at least of the officials drawing a salary less than 100 rupees a month. It is more necessary and urgent than making provisions for the residences of high-paid Officials.

"As regards the amount budgetted for the Co-operative Credit Societies, it seems to be very insufficient. A beginning has been made, but the progress is so slow that one despairs of seeing good results arising out of it in his lifetime. More vigorous action in this direction is also necessary.

"There is one more matter in which I am greatly interested and to which I shall revert on a future occasion. I find at page 33, that Rs. 3,55,000 were spent on Experimental Cultivation in 1905-06. I find at page 21, the receipts on account of Experimental Cultivation of 1905-06 to have been only Rs. 1,457. The result seems to me so extraordinary that I am afraid there is some mistake somewhere.

[Babu Jogendra Chandra Ghosh; Babu Radha Charan Pal.]

"I have done. I have found fault with the Government in many things and have used strong words of condemnation. That is because I believe the Government to be a beneficent one, and a Government which we should consider ours, and with which we should heartily co-operate. I wish my people to advance abreast with the other nations of the East now pulsating with a new life and which have or are about to take their place among the proudest nations of the West. But the means I wish to see adopted in our present conditions are not those which high Indian Councillors are advising and, which if not adopted, they have warned the Government will lead to its early end. I should be at one with them in asking for political reforms advocated by them, but there are more urgent matters to consider. For the last two years political agitations have diverted the attention of the Government and the people from all good work, and the Government had some excuse for inaction. But now there is little excuse. Permit me to tell Your Honour that unless there is vigorous action taken for the material progress of the country, it will lead not to the end of the Government but to the end of the people over which it has been placed by Providence."

The Hon'ble BABU RADHA CHARAN PAL said:—"May it please Your Honour—I have heard with great pleasure that some of the non-official Members of Your Honour's Council were taken into confidence before the Budget was prepared. A great principle is thus recognized for which we are thankful to Your Honour, but I hope from next year it will be given fuller and not partial effect as this year.

"I congratulate the Government on the satisfactory state of its finance as disclosed in the Financial Statement laid before the Council. The year 1906-1907 is strictly speaking the first year of the Administration of the Government of Bengal after the Partition. Accordingly a new Provincial Settlement has been made with the Government of India, and a generous provision made for the growing needs of the premier Province of the British Indian Empire by allotting larger shares of the divided heads of revenue to Your Honour's Government.

"The estimates for 1907-1908 show Rs. 5,20,28,000 as receipts, excluding the opening balance, and Rs. 5,36,86,000 as expenditure. The latter figure includes a non-recurring expenditure of Rs. 37,48,000 which mostly consists of grants of public utility, and in this connection I gratefully acknowledge the provision of Rs. 3,06,000 for additions to the Medical College Hospital, including a block for Indian paying patients and of one lakh for additions to the Campbell Hospital; while provision has also been made for a more generous scale of diet for patients. All this testify to Your Honour's care for the well-being of the people.

"My hon'ble friend, Babu Jogendra Chandra Ghose, has alluded to the grant to the Calcutta Municipality of Rs. 45,000 for an Incinerator. My friend has evidently been misled by the item in the Budget. As the Hon'ble the Financial Secretary will bear me out, it is not a grant for an Incinerator, but for the removal of the refuse platform on the west of the Campbell Hospital. I hope, however, some day in the future the Government will be pleased to see its way to make a grant for Incinerators and thus help the Corporation to abolish the refuse platforms, which are a standing menace to the City.

"The large accumulated opening balance which by gradual diminution stands at Rs. 91,14,000 at the beginning of the current year has been judiciously drawn upon to meet the non-recurring expenditure of the current year and the normal growth of revenue has on the whole met the increase in recurring expenditure. It is a sound principle of finance that the accumulated balance should be returned to the tax-payer in some shape or other and should not form the basis of recurring charges. As Member for the Corporation, I wish this principle had been followed there to bring the recurring expenditure within the receipts which alone could put a stop to the perpetual phenomenon of a deficit Budget.

[*Babu Radha Charan Pal.*]

"*Court-fees.*—The receipts from Court-fee Stamps are steadily increasing. This year's figures show Rs. 1,07,62,000 as compared with Rs. 1,02,60,000 of last year. While on this subject, I may be permitted to draw Your Honour's attention to the anomaly which exists in the Court-fee charges in the Calcutta Court of Small Causes. While in all other Courts of Bengal and even in the Appellate Side of the High Court 7½ *per cent.* Court-fee is leviable for the institution of suits and appeals; in the Small Cause Court of Calcutta, the suitor must pay 11 *per cent.* to file a suit. I do not think it can be contended that parties get superior justice in the Calcutta Small Cause Court to what they receive in the District Courts all over Bengal. I earnestly trust Your Honour will remove this anomaly by ordering a reduction of Court-fee charges in the Calcutta Small Cause Court.

"There is another matter in connection with Court-fees which is of vital importance to the rate-payers of Calcutta. Your Honour is aware that all objections against increase of assessments by the Assessor of the Corporation were formerly heard by a Bench of Commissioners, but by the Amending Act of 1888 this system was abolished, and since then these objections are heard either by the Vice-Chairman or the Deputy Chairman under the delegated authority of the Chairman. This is a highly unpopular procedure and wrong in principle, as the Vice-Chairman and the Deputy Chairman are the Executive Heads of the Assessor's Department. Of course an appeal against the decision of the Vice-Chairman or the Deputy Chairman lies to the Small Cause Court. From 1889 to 1900, no Court-fee was charged on the institution of these appeals, but since 1901 under Government order a prohibitive fee is levied, which has practically deprived the poor and even the middle classes of an opportunity of obtaining justice against the decision of the Municipal Executive.

"For better explanation I would give a concrete instance. Suppose the Vice-Chairman after hearing an objection fixes the valuation of a holding at Rs. 5,000 and the rate-payer contends that it should be Rs. 4,000. The difference in rate involved is Rs. 195 per year at 19½ *per cent.* If any fee is to be at all levied it should in all fairness be levied on this amount; but instead of this being done, the fee is levied on about 12 times the amount, as per calculation given below:—

$$6\left\{\frac{5,000\times 23}{100}-\frac{4,000\times 19\frac{1}{2}}{100}\right\}=2,220.$$

"The fee is calculated not on the existing Municipal rate of taxation, but on the difference of the highest rate allowed by the law and the existing rate. Thus it will be seen that when the difference of valuation is only Rs. 1,000 the rate-payer will have to pay cost on Rs. 2,220. This, added to the risk of having to pay heavy costs to the Corporation in the event of the appeal being rejected, has practically precluded the rate-payers from seeking relief in a Court of law. I would earnestly appeal to Your Honour to abolish the Court-fee or at any rate to reduce it to a reasonable limit.

"*Loans.*—The interest on Loan advances made to cultivators and public bodies and other persons, accounts for the receipt of Rs. 4,80,000, the bulk of which is realized from the Municipalities, the District Boards and the cultivators. The principal of this loan is lent by the Government of India to the Local Government at an interest of 3½ *per cent.* and this sum is lent to the Municipalities at 4 *per cent.* and to cultivators at much higher rates. May I not appeal to Your Honour to reduce the interest to 3½ *per cent.* and thus relieve the local bodies and cultivators whom the Government, as the protector of the people, help in time of need. Considering the difficulties which local bodies have to encounter in meeting their growing expenditure out of the limited means at their disposal, such a reduction would be an act of generosity on the part of the Government which will be highly appreciated by my countrymen.

"Speaking on the subject of Loans, I cannot shut my eyes to the recent order of the Government of India fettering the hands of the Corporation by

directing that no Municipal Loan is to be raised in the market till the Imperial Government has obtained all the money it requires. This is highly unfair to the local bodies and disadvantageous to the rate-payers. Ordinarily, it takes 2 months and-a-half to obtain the sanction of the Government to raise a loan, and if the Government postpone the issue of a Corporation loan to such time as suits their own convenience it would be most prejudicial to the interests of the Corporation. The Government should not forget that the municipalities and local bodies are but parts of the whole administrative machinery and that they are doing in a small way what the Government is doing on a much larger scale. I hope Your Honour will be pleased to safeguard the interests of the Corporation and other local bodies.

"*Income-tax.*—The Income-tax, notwithstanding the raising of the minimum limit from Rs. 500 to Rs. 1,000 a year, has brought an increase of revenue, from Rs. 46,43,405, the rise being in 1905-06, to Rs. 48,40,000 in 1906-1907. For 1907-1908, the figures have been fixed at Rs. 50,80,000, of which the receipts from Calcutta and its Suburbs amount to about Rs. 30,00,000. Direct taxation is always hateful to the people and the Income-tax being an inquisitorial tax is odious alike to the Europeans and Indians. But there can be nothing more odious to the people of this country than the imposition of Income-tax on residential houses which absolutely bring no income. If a clerk or a shop-keeper earns Rs. 50 a month and if he happens to possess an ancestral dwelling-house, which is assessed by the Municipality at Rs. 700 *per annum*, his earnings and the valuation of his ancestral dwelling-house are added together and the Income-tax is calculated on that total and is imposed on him.

"The Income-tax was levied, as Your Honour knows, as a temporary measure to meet the urgent needs of the State and a distinct pledge was given at the time of its imposition that it would be withdrawn as soon as the state of finance would permit. Unhappily for us, the pledge has not been redeemed and the tax to-day presses very heavily upon the middle class who can scarcely in these hard times make two ends meet. May I not appeal to Your Honour to exercise your influence with the Government of India to raise the minimum limit to at least Rs. 2,500 a year and to exempt the *bonâ fide* residential houses from the operation of the tax? Your Honour is no doubt aware of the attachment of the people of Bengal to their ancestral dwelling-houses which are worshipped as *bastu vhitas* and to which they cling even though smitten with poverty. To impose an Income-tax upon such unproductive holdings is not only hard, but unfair. An Income-tax is a tax on income, and it ought not to be imposed on Capital sunk in a residential house any more than on money sunk in books, furniture, ornaments or clothing.

"I now come to the expenditure side of the Budget.

"There is a saving of over three lakhs of rupees in the last year's Budget due to the non-utilization of the full grant for additional Deputy Magistrates and their establishments, and of the grant for the increase of pay of the ministerial establishment. Thanks to the generosity of the Government, the hard-worked and ill-paid ministerial staff had some consideration shown to them. But it is a matter of deep regret that owing to the delay in giving effect to the proposal of the Salaries Commission the grant could not be utilized. I appeal to Your Honour's generosity to give retrospective effect to the proposal for increase.

"*Stipendiary and Honorary Presidency Magistrates.*—I find provision has been made in the Budget for a Fourth Presidency Magistrate. Formerly there were two Stipendiary Magistrates who, with the Honorary Magistrates, disposed of all Police and Municipal cases. During recent years, a third Stipendiary Magistrate has been added, and it is again proposed to add a fourth in spite of the reduction in the number of cases owing to the establishment of a Municipal Court. It is worthy of note that the total number of cases before the Bench Magistrates was 6,185 in 1903, but since the addition of a third Magistrate in the latter part of December of that year the number of cases fell off to 1,217 in 1904. Now that it is contemplated to appoint a permanent fourth

Magistrate, the cases before the Bench Magistrates will necessarily be considerably reduced. There are no fewer than 86 Honorary Presidency Magistrates, and I believe the object of Government in appointing worthy citizens to the Honorary Bench is not only to economize expenditure but to allow them a legitimate share in the administration of justice in their own city and in the trial of their own countrymen. I am afraid that that laudable object is liable to be frustrated by the multiplication of Stipendiary Magistrates. I may be permitted to observe that much distrust and misunderstanding may be avoided by making the Honorary Presidency Magistrates more largely participate in the administration of justice rather than transforming them into so many ornamental figure-heads.

"*Municipal Magistrate.*—As regards the Municipal Magistrate's Court, I believe Your Honour is aware that no Court in the Metropolis of the British Empire is more unpopular than this Court. I do not in the least exaggerate when I say that rightly or wrongly the people believe that they cannot expect in this Court that independent administration of justice which is the proud privilege of the meanest of British subjects. It may be due to the peculiar constitution of the Court. It is well known that in every case before it the Chairman of the Corporation is the prosecutor, and rightly or wrongly it is believed that the Magistrate who owes his appointment to his recommendation cannot act generally with independence. It is also a noteworthy fact that the fines realized in this Court generally exceed the estimated receipts under this head in the Municipal Budget and this is a matter which is commented upon both in and out of the Municipality. It has been humourously described by some as a Revenue Department of the Corporation. Some of the cases which came up for revision in the High Court elicited trenchant remarks from the Hon'ble Judges, which were not calculated to raise the Municipal Court in public estimation. Quite recently, as Your Honour is aware, a great hue and cry was raised that the Municipal Magistrate should look for advancement to the influence and patronage of the Chairman of the Corporation. Considering all these circumstances, I would beg leave to suggest that the Municipal Court may be abolished and that the Municipal cases may be tried by the Presidency Magistrates in the Police Court, and I am sure this act of Your Honour will inspire confidence in the administration of justice in Municipal cases.

"*Police Charges.*—As regards the Police, the allotment for District Police Officers has been raised from Rs. 3,90,000 to Rs. 4,90,000, while that for the Subordinate Police Force has been raised from Rs. 27,30,000 to Rs. 30,84,000, *i.e.*, an increase of 25·64 *per cent.* in the case of District Superintendents and Assistant Superintendents and 12·96 *per cent.* in the case of Inspectors, Sub-Inspectors, Head-Constables and Constables. Great was the expectation of the public when the Police Commission was appointed. The Police, which, in one sense, ought to be a source of strength to the people and the Government, has unfortunately been a source of discontent to the people. The corruption and oppression of the Police have not a little contributed to this discontent, but it can hardly be expected that the meagre increase of salaries of the subordinate ranks of the Police would lead to any effective reform. Further, the difference in the percentages is so striking that when it is remembered that the higher ranks of the Police service are mostly recruited from persons of European descent and the lower ranks from pure Indians, it is possible that the inference may unhappily be drawn that it is due to considerations of race and creed.

"*Police Court Building.*—A provision of rupees one lakh has been made in the Budget for Calcutta Police Buildings, but no provision has been made for additions and alterations of the Police Court Building. The existing building is quite unsuited to the requirements of the Court. It is ill-lighted and ill-ventilated, and the Court rooms, especially those of the Honorary Bench, have not sufficient light even in mid-day. People are so cramped and pressed for space that literally speaking there is hardly moving space when

the Courts are all sitting. There is no waiting room for witnesses and suitors, and all are huddled together in the verandah, which is packed to its utmost capacity. In short, it is a most unhealthy and insanitary building, quite unworthy of the City. I am sure the necessity of re-modelling the Police Court building is recognized by Your Honour, and that in the course of the year the matter will be taken up and a scheme matured so that the necessary provision may be made in the next Budget

"*Presidency College.*—I do not wish to take much time by dwelling on the question of Education which I leave to my learned and distinguished colleague the Member for the University.

"I wish to make a few observations on the improvement of the Presidency College, for which Rs. 46,000 have been allotted this year. The question is, whether the College is to be improved *in situ* or to be transferred to a new site. As far as the costs of the two schemes are concerned, they are roughly estimated to be the same, namely Rs. 20 lakhs. A very large section of the community are strongly of opinion that the College should be retained in its present site and that it should be expanded by the acquisition of land in its neighbourhood. This will have a double effect. In the first place, it will be within easy reach of students residing with their parents or guardians in the Indian section of the town and it will be in close proximity to the University and other Educational Institutions. In the second place, the acquisition of land in the vicinity will remove a large insanitary area in one of the most congested wards in the town.

"*Technical School.*—A lump sum of Rs. 35,000 has only been allowed for Technical Education. I feel constrained to say that the grant is not adequate for the growing needs of the country. The salvation of the country depends to a great extent upon the diffusion of Technical Education among the masses. There ought to be Polytechnic Institutions in every important district and centre. True it is that certain additions in this respect have been made to the Sibpore Engineering College, but that College being in an out-of-the-way place, even the people of Calcutta cannot fully avail themselves of its benefits. Calcutta ought to have a Model Technical College within easy reach of its inhabitants.

"In this connection, I desire to draw the attention of Your Honour to the training of artisans and handicraftsmen who have a large field before them. The struggle for existence is keen amongst my countrymen. The clerical appointments are not sufficient for the growing population of the country, the emoluments are too small to meet even the bare necessaries of life. I cannot, therefore, lay too great a stress on the urgency of establishing institutions for imparting practical training in artisanship and handicraft, as is done, though on a small scale, in the Reformatory School for juvenile offenders. Encouragement should be given for the admission of apprentices to the dock-yards, telegraph works and work-shops. Much may be done in this direction if the Engineering Firms could be persuaded to kindly admit into their work-shops Indian youths as apprentices. A very good impetus may be given to this education by the Chairman of the Corporation throwing open the Municipal Workshops to Indian apprentices. The Port Commissioners may also lend their help in this direction. I cannot allow the occasion to pass without referring to the useful work that is being done at the Oxford Mission Industrial School at Ballyganj and at the Technical School established by Messrs. Labchand and Motichand in their Marble House and the Bengal Technical Institute, founded by some of my countrymen, foremost amongst whom stands Mr. T. Palit.

"*Free Primary Education.*—Sir, the news that the Government of India contemplate to make suitable and requisite assignment for the extension of free Primary Education, has been received with great satisfaction. If any portion of the assignment made to the Government of Bengal is allotted to Calcutta, I pray that the management of the grant be entrusted to the Corporation in the same way as the District Boards and the Municipalities in the Mufassal.

[*Babu Radha Charan Pal.*]

"I need hardly say that the Calcutta Municipality by virtue of its local knowledge will be in a better position to promote the diffusion of Primary Education than any other agency, and that such an arrangement will be welcomed by the people. I am sure, in this matter, I have the support of my hon'ble friend, Mr. Allen.

"*High price of Rice.*—I am glad that my interpellations as regards the high price of rice and the replies of Your Honour's Government attracted the attention of the Hon'ble the Finance Minister, and he admitted from his seat in the Imperial Council that the poor *bhadraloge* were the principal sufferers. I regret to observe that the poor *bhadralogee* constitute a considerable element of the population of Bengal. I am glad to learn from the replies of the Hon'ble Mr. Carlyle that Your Honour's Government is aware of the marked rise in prices and is making inquiries to ascertain the cause of the rise. The price was never so high for such a length of time and it seems that in future the high prices will be the chronic condition.

"I might also tell Your Honour that not only the price of rice but also the price of every article of food-stuff has had an unprecedented rise which adds to the misery of the people. They are now in a state of suspense and anxiety for the outturn of the next monsoon harvest and they shudder to contemplate what is in store for them, should the next monsoon prove unfavourable. A solemn and serious responsibility rests with the Government to take timely steps to save the people from the grip of starvation which is looming in the not distant future. I am grateful that Your Honour is alive to the gravity of the situation. I hope the Government will lose no time in publishing the result of their inquiries to allay the public anxiety. I can assure Your Honour of the co-operation of the Public with your Government in the matter. On the initiation of the conductors of the 'Bangabashi' newspaper a very useful Committee has already been formed, with His Highness the Maharajah of Darbhanga as President, to ascertain the causes of the rise and to suggest remedial measures. I have no doubt this Committee will be able to furnish useful information to your Government.

"I take this opportunity to make a suggestion as regards grain compensation allowance. Last year grain compensation was allowed to all whole-time servants of Government on Rs. 30 and less. Never in the history of Bengal the cost of living has been so high as now. The Port Commissioners have allowed grain compensation to all their employees drawing salaries below Rs. 50 a month. It would be an act of kindness on Your Honour's part if Your Honour is graciously pleased to similarly extend the allowance to persons drawing Rs. 50 and less a month in the service of Government.

"*The City Improvement.*—I cannot allow this occasion to pass without referring to the City Improvement Scheme. The Public have learnt that an official Conference has lately been held in which the financial part of the scheme has been greatly re-modelled. I am sorry to observe that the representatives of the people were not taken into confidence in that Conference, so as to enable Your Honour to judge the question from every aspect. The public are anxiously looking forward for any information which Your Honour may be pleased to vouchsafe on the subject.

"The question of ways and means is agitating the public mind at the present moment. It is well known that the burden which has been imposed upon the Corporation of Calcutta and which is steadily increasing with the growing Municipal needs of the town is already too much for them. With an increasing revenue they are still unable to maintain an equilibrium in their finance. The current year's Budget shows an income of Rs. 74,00,000 and an expenditure of Rs. 76,49,000, and this deficit of Rs. 2,49,000 has been met by drawing upon the accumulated opening balance which has this year dwindled almost to a vanishing point. With the continually increasing cost of living in Calcutta which is complained of both by Europeans and Indians and also with the continually increasing assessment, any further increase in the rates of the City will be a disaster to the people. Sir, overtaxation is

the seed of discontent. However strong may be the sympathy of our Rulers, however anxious they may be to bring about a better understanding between themselves and those under their rule, all their endeavours will be fruitless, when people groan under taxation and curse their fate in utter helplessness.

"The structural defect of the town, as has been amply shewn in Mr. Justice Trevelyan's Report, is a legacy made over to the Corporation of Calcutta by Government who neglected to remedy it when it could have been easily done at a nominal cost. The Corporation have done unaided all that they could do. Since the administration of Calcutta was made over to them in 1862, hundreds of lakhs have been spent on the improvement of the City. Numerous roads have been opened out and any one who had seen Calcutta 50 or even 20 years ago cannot recognize it now. The rapid strides of improvement would have continued had it not been for the amalgamation of the Suburbs with Calcutta in 1889. More than a hundred lakhs have been devoted to the improvement of the amalgamated area and several lakhs have still to be spent both on the Suburbs and the fringe area. This has crippled the resources of the Corporation and the structural improvements have not therefore proceeded at the same rapid pace as before.

"Further, the new law has imposed upon the Corporation the continuous Water-supply system. The water-supply is notoriously defective. The continuous supply which should have been completed within the statutory period of five years, is yet far from being completed, though we are now at the end of the seventh year. While the City is clamouring for water we are compelled to give away water to the outside Municipalities. All this has necessitated a new scheme for additional water-supply, which will cost another 50 lakhs. These and several other important works, which are too numerous to enumerate, will entail the imposition of additional burdens upon the rate-payers, and I am afraid that any further addition to the burden on account of the City Improvement Scheme will be the last straw to break the camel's back. This question was carefully considered by the Trevelyan Commission and they observed:—

'House owners in Calcutta have to bear taxation out of proportion to the burdens which are placed upon the shoulders of owners of other classes of property.'

"They accordingly recommended the imposition of a Jute-tax at one anna per maund on jute exported from Calcutta and used in the neighbouring Mills which they calculated would produce about 16 lakhs a year. They also observed that 'much might be done if the Government made over to the Corporation a substantial portion of Canal Dues and Excise Revenue levied in Calcutta.' The London County Council gets a substantial contribution from the English Exchequer. The Bombay Municipality receives the Excise Revenue from the Government. May not the rate-payers of Calcutta appeal to Your Honour for a similar annual contribution for the improvement of the City which is the seat not only of the Imperial, but also of the Provincial, Government? I find Your Honour has granted in this year's Budget half a lakh to the Darjeeling Municipality, the summer seat of Your Honour's Government. May not a similar favour in proportion to its needs and importance be shown to the City which is the capital seat of Your Honour's Government?

"*Decentralization.*—Year before last Your Honour was pleased to state in the Council that you were considering the question of decentralization of Municipal Corporation work in Calcutta. You were pleased to admit that the work was enormous and a great deal of local agency was lost by endeavouring to do the work by the central authority only. Your Honour further announced that you had appointed a representative Committee to consider the matter and that on the receipt of the report of the Committee you would deal with the matter promptly. Two years have passed since Your Honour made the pronouncement and we are yet in the dark as to the report of the Committee and the intention of the Government on the subject.

[*Babu Radha Charan Pal.*]

"Your Honour is aware that about a year ago the District Committees were formed and that it has been held by high authorities that they are illegal. Mr. Greer, while in this Council, stated that legislation would be necessary to give effect to his scheme of decentralization. But nothing has been done in that direction and the District Committees continue without being vested with any legal authority. I, for my part, recognize the usefulness of the District Committee. Divested, as the present Corporation is, of much of its representative character, it cannot be expected to be cognizant of the wants and wishes of the rate-payers and the urgent local necessities of districts as the District Commissioners sitting within their own districts and discussing matters among themselves. The requirements of a district are better discussed and threshed out in the District Committee with the Executive Head of the District in their midst than in a big Corporation meeting where local questions attract little or no attention. Unfortunately, the District Committees have no legal status and have no functions defined by law, and it is my experience that the General Committee refuse to recognize the deliberations of the District Committees as they are not appointed by them.

"In the absence of any legal status, the deliberations of the District Committees are confined to such matters as the Chairman may choose to commit to them from time to time; in fact they practically exist on the sufferance of the Chairman. The usefulness of the District Committees is not therefore fully brought into play, and the local experience of Ward Commissioners cannot therefore be utilized to the fullest extent. Such a state of things cannot conduce to efficient administration.

"In this connection, I cannot help mentioning that the constitution of the General Committee is such that the elected Commissioners are in a perpetual minority. Of the 50 Commissioners who constitute the Corporation, one-half is elected by the rate-payers and it is but fair and just that the General Committee should be so formed that at least half the members should be representatives of the elected Commissioners. As at present constituted, out of 12 members of the General Committee, the proportion of Commissioners elected by the rate-payers to the other half is 4 to 8 excluding the official Chairman, who is also the Chairman of the General Committee. Such a constitution cannot fail to be unsatisfactory, and I am sure Your Honour will recognize it. I confidently hope, in view of the declared wishes of the Government of the day, that an advance will be made on the lines of greater expansion of representative Government, and that this anomaly will be soon removed and greater trust will be imposed upon the people, which is the surest way to inspire confidence in the intentions of Government.

"*River-side Roads, Ghâts and Landing-stages.*—While speaking on the affairs of the City, I deem it my duty to bring to Your Honour's notice the grievances of the public in the matter of ghâts and landing-stages and roads in the jurisdiction of the Commissioners for the Port of Calcutta, to the north of the Hooghly Bridge. The Strand Bank Roads are in a broken condition, full of ruts, holes and depressions. The space just below the ghâts has silted up, and at ebb-tide the bathers tumble over the pitfalls and hollows and heaps on the river bank. The landings for dinghy passengers are broken, and a portion of Strand Bank Road on the north has sunk and is in a dangerous condition. The Government has delegated its function for the preservation and maintenance of ghâts, landing-stages and roads, on the river side, to the Port Commissioners. May I crave Your Honour to move the Port Commissioners to take necessary steps to remove the grievances complained of.

"*Malarious Tracts.*—Year after year, Hon'ble Members representing the different constituencies have dwelt upon the unhealthy condition of the towns and villages of Bengal. Outside Calcutta people are smitten down by malaria and cholera, which not only levy a heavy yearly tribute upon the population but have debilitated the constitution of the people of Bengal. Enlarged livers and spleens and anæmic bodies are common sights outside the boundaries of Calcutta. Some of the fairest and most flourishing districts of

[*Babu Radha Charan Pal; the President; Mr. Bertram.*]

Bengal have been laid low by the ravages of cholera and fever within the life time of a generation. A moral responsibility rests upon the Government to save the lives of the people. Just as the Government rears up an efficient Army and Navy for the protection of the people, so it is the bounden duty of the Government to whom Providence has committed our destinies, to take measures for the eradication of those insanitary conditions which conduce to enfeeble and to enervate and even to exterminate the population.

"It is commonly believed that the obstruction or diversion of the natural drainage of the country and the silting up of the rivers and channels of the Gangetic Delta leading to the gradual obliteration of the sources of pure water-supply are the fruitful causes of malaria and cholera. The congestion of Calcutta is due to the influx of population into the City owing to the dread of malaria and cholera outside. I understand Government have appointed a Commission to consider and report upon the causes of Malaria in the Presidency Division to suggest means for its prevention. We are all awaiting the Report in great expectation of vigorous steps being taken to rid the outskirts of Calcutta of the scourge.

"*Health Resorts.*—I am grateful to acknowledge that Your Honour takes a personal interest in the matter of establishing health resorts for the people. Large sums of money have been spent on Frasergange, but owing to several difficulties it cannot be conveniently availed of by my countrymen. Diamond Harbour is a healthy place where my wearied and jaded countrymen after a week's hard toil can easily repair for relaxation and invigoration. It is a *khasmahal* property and Government can easily improve it for utilization as building sites. I am sure, the Hon'ble Mr. Collin will extend his sympathetic help in the matter and I appeal to Your Honour, in the name of my countrymen, to make a grant for the improvement of Diamond Harbour, which will serve the same purpose to Indians as Frasergange to Europeans. The grateful thanks of the Hindu community, not only of Bengal but of the whole of India are due to Your Honour for the grant of Rs. 75,000 for the improvement of drainage of that ancient and venerated place of pilgrimage, Puri. I hope the grant will be continued till the improvement of drainage and water-supply of that town, which is now also a health resort of the Europeans, is completed."

The Hon'ble the PRESIDENT said:—"I regret that, owing to illness, the Hon'ble Mr. Bertram is unable to attend and to deliver his own speech; but he has requested that it should be laid on the table. This has been done; and copies of it are in the hands of Hon'ble Members."

The Hon'ble MR. BERTRAM's speech read as follows:—"Your Honour, I am sorry that under section 2 of the Indian Councils Act, 1892, and the Rules of the 7th February, 1893, made thereunder, the Members of the Council are not permitted to propose a Resolution or divide the Council in respect of any discussion on the Financial Statement, nor, under rule 5, is it permissible to enter upon a criticism of Imperial Finance. Perhaps this unfortunate state of things, which robs the debate in this Council of all semblance of active life in a matter of such vital importance as the Provincial Budget, may yet be altered in consequence of the proposals drafted by the Council of His Excellency the Governor General and which, one learns from the public press, are now under the consideration of the Right Hon'ble the Secretary of State.

"I ask, what has Government to lose by a full and free discussion of its measures and methods. In this Council there is an official majority, and in case of a tie Your Honour has a casting vote, and for a non-official Member to carry a resolution or an amendment to the Budget, he must indeed have a very strong case to put forward. Our privilege, or, I might perhaps

more properly put it, our duty is 'to make observations,' and our role therefore is to be critics, though not necessarily hostile or unfriendly critics, of Government. It is in this spirit I propose to criticise the Statement the Hon'ble Mr. McIntosh has laid on the table.

"I see from the Statement laid before us that the settlement effected with the Government of India as the result of the Partition of Bengal was based on a revenue of Rs. 4,67,01,000 to which the Supreme Government added Rs. 7,39,000 as a fixed assignment to meet a total Provincial expenditure of Rs. 4,74,40,000.

"The year 1907-08 is expected to show an improvement of Rs. 31,23,000 the normal revenue, or say $6\frac{3}{4}$ %, which appears satisfactory, and makes clear that Bengal is not a poverty-stricken Province.

"The net amount available for expenditure is shown as Rs. 5,41,42,000, of which it is proposed to spend Rs. 53,68,600, leaving Rs. 4,56,000 still available for allotment in excess of the minimum working balance and the money ear-marked for the Calcutta Improvement Trust.

"*Investment of Surplus Funds.*—I would like to point out a new source of Revenue to Government, should Your Honour care to pursue it. If the net opening balance of Rs. 41,14,000, which includes the minimum working balance of Rs. 20,00,000, together with any surplus monies at the credit of Government, which cannot immediately or at an early date be applied to the purposes set forth in the Budget, say the following sums in particular:—

	Rs.
Sunderbans Reclamation	1,50,000
Steamer for Commissioner of Sunderbans ...	50,000
Survey of Sunderbans	90,000
Steamer for Forest Department	8,000
Acquisition of land for extension of Jails ...	28,000
Second Cruiser for Sandheads	4,00,000
Steam-launch to replace the launch *Florence* ...	13,000
Buildings for Guru training School	95,000
Civil Works in charge of P. W. D.	18,47,000
Civil Works in charge of Civil Officers	4,57,000
Irrigation Minor Works	3,27,000
or a total of Rs. ...	34,65,000
or say in all a sum of ...	75,79,000

was deposited at interest in the Bank of Bengal on short Loan, say at 14 days' notice, or invested in the same way as the funds of the Corporation of Calcutta are under section 119 (2) of Bengal Act III of 1899, Government might benefit considerably and probably earn two or three lakhs, at least, yearly as interest and this would be absolutely 'found money.' I throw out the suggestion for what it may be worth. If Government advice is good for the Corporation of Calcutta, it naturally follows it is good for the prescribing authority. Rupees 2 or 3 lakhs cannot be called a trifle even to a wealthy Government like the Government of India, let alone to the Government of Bengal.

"The Hon'ble Mr. McIntosh may tell me again (as he has already told me in his office) that Government does not do these things, but my reply to him is, that it is not wise to persist in folly and to carelessly throw away opportunities to administer the public funds to the best advantage. At the present time the unemployed funds of Government might be earning probably 7 *per cent.* on short deposit. In passing, perhaps, I may be permitted to refer to the recently published accounts of the Victoria Memorial Fund, to show what can be done in the way of earning interest on Surplus Funds.

"*Revenue.*—I would like here to draw attention to one or two items on the Revenue side of the Provincial Ledger.

"*Excise.*—It is with much regret I see the increase of Rs. 3,60,000 in the Excise receipts over the previous year. The continued raising of duties and the pressure on the part of the Excise authorities to show more revenue must mean that bad liquor is vended at the grog-shops. If people must have strong drink, better that it should be good and wholesome, even if Government gets less duty. The policy of Government to stop drinking by raising duties is, in my opinion, a vicious one. Better far to shut up half the grog-shops in Bengal, if Government is honestly determined to make people sober by 'Act of Parliament.' Their action would then be applauded by the country. Later on, half the remaining grog-shops could be closed. The average man does not drink strong liquor wantonly. If a grog-shop is near, he will go to it, but I suppose in this country at least men will not go 3 or 4 miles for a glass of liquid poison. My constituents who are interested in Coal tell me the grog-shops are the curse of the Coal districts. I am glad to say I am heartily in sympathy with the Calcutta Temperance Federation, and hope that Government will hand over the licensing of drink shops in Calcutta to the Corporation as the Local Licensing Authority.

"*Forests.*—Then there is the important subject of Forest Revenue. It is generally believed in non-official circles that if a more vigorous policy on commercial lines was pursued by the Forest Department better results would accrue from sales of timber and forest produce. No doubt this important subject has Your Honour's constant attention.

"*Jail Manufactures.*—Show an increase in estimated receipts of Rs. 21,000. It is to be hoped this is not caused by undue and unfair competition with private enterprise.

"*Hospitals.*—I now turn to the expenditure side of the Provincial Budget for 1907-08 and congratulate Your Honour's Government on the generous provision made for Hospitals. I notice it is proposed to spend during the year the following sums on the three great hospitals of Calcutta:—

		Rs.
Medical College	... ...	4,56,000
Campbell Hospital	... ...	2,45,000
General Hospital	... ...	1,00,000
	or altogether ...	8,01,000

"*Port Hospital Dues.*—I am sorry to say complaints had been made by the shipping that European sailors cannot get accommodation readily at the Presidency General Hospital, notwithstanding that they have a preferential right by virtue of their employers paying Port Hospital Dues. To obviate this in future, I venture to suggest that a special block be built for sailors (with private rooms for officers) and be maintained entirely at the cost of the Port Hospital Dues Fund, the proceeds of which are specifically ear-marked for the benefit of European sailors. Owners of vessels visiting this Port have to pay these dues, and are desirous that full use should be made of their money, so far as allowed by law. I would here mention that sick officers have to be paid for separately, though the vessels on which they are employed have already paid Hospital Dues.

"The Mayo Hospital and Howrah Hospital also have claims on ship-owners. While the last-mentioned gets a grant, I understand the first-named gets nothing from the Fund, and I would suggest that the Port Act be amended so that the Lieutenant-Governor can give to Hospitals treating sick lascars the benefit of the Port Hospital Dues, as so many of the vessels in the Calcutta foreign trade carry lascar crews and the men are not all residents of Calcutta, or of Bengal for the matter of that.

"While on the subject of the Hospital Dues, I again put forward the demand that interest be allowed on the funds in the hands of Government, as it is trust money and not a portion of the General Revenue of the Province.

[*Mr. Bertram.*]

"*Houses for Officials.*—I am sure we are all glad to see that the superior Officers of Government in Calcutta and Howrah are to have houses provided for them, but what is to be done for the inferior, though no less hardworking, servants of the public? On them the burden of the high rents ruling in Calcutta and Howrah presses with greater severity.

"*Plassey Obelisk.*—I am sorry I cannot approve of the proposed expenditure of Rs. 25,000 in providing an Obelisk at the 'Plassey' battlefield. This might well be cut out with advantage. It is not politic, I think, to signalize this one battlefield for special distinction, especially at the present time, above all others. No Obelisk is needed to record the battle. History is a sufficient record, and if it has taken 150 years to evolve the idea of an Obelisk, it shows that our predecessors in Bengal did not consider such a thing needful.

"*Pilot Cruiser.*—The Pilot steamer *Fraser* is again off her station, and my constituents, therefore, appreciate the provision for the second Pilot cruiser for the Sandheads, and every effort should be made to get it on its station as early as possible. The periodical removal of the *Fraser* causes great inconvenience to shipping, especially as the advantages of wireless telegraphy with the Sandheads are felt by the community as a real step in advance.

"*Agricultural College.*—The provision of an Agricultural College at Bhagulpur is no doubt a wise measure, and also the extension of the Veterinary Institutes at Belgatchia is necessary, but it is much to be regretted that no provision is made for the establishment of model farms in various parts of Bengal, say for fruit in Behar or dairy and grass farms near Calcutta or in Jessore, where an improved class of cattle could be evolved from the local type. It is the indigenous animal we want improved. The Allahabad results show what can be done with Country cattle.

"*Agricultural Department.*—I venture to congratulate the Agricultural Department of Bengal on the very excellent work done for the period of 15 months from 1st April, 1905, to 30th June, 1906, as detailed in the last report of the Department.

"The results brought out by the use of bone-meal and saltpetre as manure for paddy are marvellous, and the results of the cultivation of jute and paddy as successive crops on the same land open up vast possibilities for the ryot of Bengal.

"Government cannot spend too much money on pushing their experimental farms. It is a truism to say that the prosperity of the agriculturist is the test of the prosperity of the Province. In improved agriculture is bound up the well-being of the whole community. The examples of all progressive countries cannot be neglected in Bengal. The soil lends itself to kind cultivation and will give a bounteous return to good treatment. The country looks with confidence to Government to do all in its power to aid the agricultural development of the Province. There is a good market for every maund of produce raised in Bengal, and the need of increasing the outturn of food-grains is patent to the most casual observer.

"In connection with raising the material well-being of the ryot, I would press earnestly on Government the necessity of granting loans to cultivator at moderate rates of interest, and I look forward to the day when there will be a great Agricultural Bank with Government capital invested in it. Bengal is years behind Egypt in this respect.

"*Roads.*—Allied with agriculture is the subject of roads, and I venture to suggest that the contributions to District Boards for the upkeep of main roads in the Mufussal might be on a more liberal scale, and that special grants might also be made for the construction of new roads, as I understand that in many places the opening up of the country, bordering on newly-constructed lines of railway, is being hindered by the want of suitable roads giving access to the railway station.

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[*Mr. Bertram.*]

"*Water-works.*—The proposed allotments in aid of sundry Water-w in the larger Provincial towns are to be commended: good potable wate necessity of life. While on the subject of water, I think Government mig future years devote funds to assist Union Committees in sinking artesian ' in villages, so as to strike perennial water. Small villages cannot afford W works, but artesian wells are cheap and, if systematically exploited, the be to the people would be incalculable.

"Government has only to turn to Australia to see what can be done the aid of artesian wells in the way of providing drinking-water and wate irrigation. The terrible outbreaks of cholera in the Mufussal are all t attributed to people drinking foul or stagnant water. In many places they get nothing else, and surely Government will do all in its power to keep people alive and healthy.

"*Police.*—It is satisfactory to find that Government is doing something the Police, who, generally speaking, are an under-paid but hard-working l of men—good pay usually attracts good men, which makes for good ser The public will watch the Police reform with real interest. The entry the Budget of Rs. 25,000 for 'House allowance and Local allowance Personal Assistant to Inspector-General and Deputy Inspector-Genera Police and of other officers of the Criminal Investigation Department' is a of money and wants some explanation.

"*Monuments and Antiquities.*—Out of the grant for Monuments Antiquities I hope some small sum will be spared to thoroughly renovate marbles, brasses and historical tombs in St. John's Church, Calcutta, and this connection perhaps His Excellency the Viceroy will supply a new bus his ancestor, the Governor-General, to take the place of the bust w fell down and and was broken to pieces in the earthquake of 1 It was under the first Earl of Minto, that the Church was enlarged re-opened for Divine worship.

"I fear I have taken up the time of the Council for an undue lengt time, but the Budget discussion is the one opportunity we have during year to bring 'burning subjects' prominently to the notice of Governn I will now, therefore, turn to a few subjects that Government might deal generously during the coming year.

"*Fish.*—We have to thank Your Honour for the Hon'ble Mr. Gu fish inquiry, for the further prosecution of which Rs. 50,000 have been allo We look for great eventual results from that inquiry, and I ask Your Ho to see that energetic and sustained progress is made in opening up, in partic the valuable fisheries on the sea face of Bengal and Orissa. We want Honour's Government to emulate the Government of the United Stat America and be 'aggressive' in your methods and to start works for dea with fish and its various by-products, so that in time valuable trades ca worked up.

"The jute industry of Bengal can take thousands of maunds of 'S deshi' fish oil for batching. Japan finds it profitable to catch herrings export the oil therefrom to India, for use in our jute mills. Private enter in Bengal in this business is non-existent. Following the example of o enlightened Governments, Your Honour's Government might show the here. The residue after the oil is extracted would form a valuable man and would no doubt find ready buyers all over the country.

"In connection with fish, is it too much to expect that Your Honour press the Eastern Bengal State Railway to equip their line with some prop insulated wagons to bring down the valuable fish caught at Goalundo Diamond Harbour? At present, hundreds of maunds of magnificent have to be thrown away as unfit for human consumption, owing to in quate means of bringing it fresh to market.

[*Mr. Bertram.*]

"*Tigers.*—Another subject I desire to bring to Your Honour's notice today is the unbusiness-like way of getting rid of 'man-eating' tigers in Bengal. It seems that till quite a number of people are killed, no real interest is taken in the matter by the local authorities. Quite recently a 'man-eating' tiger roamed the Kodarma Reserved Forest, and during two years some 52 people, I understand, were disposed of, without counting cattle. Eventually a large reward was offered, and a man on the East Indian Railway killed the scourge of the district. But what I want to know is this. Is it not the duty of the Police (or the Magistrate, who is the Head of the Police) to take steps to exterminate any tiger, or leopard, who is known to have killed a human being, and not wait till a number of people are killed before working up a reward to encourage a 'shikari' to try his luck? I should think the most sensible way is to offer the maximum reward at once immediately the existence of the objectionable brute is known.

"If a human murderer were at large, the whole strength of the Police would be interested in tracking him down. I ask for this policy to be pursued in the case of a 'man-eating' tiger, and I trust Your Honour will give the matter some little attention during the official year, which is now young. Force is given to what I have said by what was written in the 'Indian Forester' for January, 1907:—

'MAN-EATING SCOURGES.

'The "Indian Forester" for January has an article on the mortality from wild animal in India which contains a number of valuable suggestions regarding the best means for waging war on man-eating tigers and leopards. Apart from the interest the subject will necessarily have for sportsmen, it is, we think, one of sufficient importance to receive the closer attention of Government. In the last Resolution issued by the Government of India, the number of people reported as having been killed by tigers and leopards was 786 and 401, respectively. This heavy mortality was, there can be no doubt, in a great measure due to the amount of rope given to animals which were known to have acquired a taste for human flesh, the only steps taken by the autorities to rid affected districts of those scourges being to issue special licenses to 'shikaries' for their destruction, with what success may be gathered from the fact that in the Mandla district of the Central Provinces twenty-six such licenses were issued during the year to forest officials and police constables for the destruction of carnivora with a net result of two wounded tigers.—*C and M Gazette.*'

"*Provincial Finance.*—Though the Members of this Council are precluded from criticising Imperial Finance, we are not prevented from discussing Provincial Finance. It seems to me we should not be indebted to the Government of India for all our needs, if a proper system of decentralized finance were introduced.

"This Province has many wants which can only be supplied at great first cost or after great delay for want of funds, and consequently projects, good in themselves, are unnecessarily and indefinitely postponed and the Province suffers. Cannot Your Honour approach the Government of India with a proposal to be allowed to raise Local or Provincial loans with an Imperial guarantee, if necessary, and to be paid off by a Sinking Fund? These would not add permanently to the indebtedness of the country. In this connection, might I venture to draw Your Honour's attention to section 138 (*3*) of Bengal Act III of 1899, which to my mind is peculiarly suited to Provincial loans, and is on quite up to-date lines?

"*Tolly's Nullah Canal.*—There is the project of the new Tolly's Nullah Canalization Scheme which is still under reference backwards and forwards, so one understands, between the Governments of India and Bengal—and apparently 'want of funds' stands in the way of progress. Surely the various Governments concerned, that is India, Bengal and Eastern Bengal and Assam, do not want to be told times out of number that it is a project of first rate importance to the commerce of the two Bengals and Assam, and should be vigorously pushed on without further procrastination and delay. If the Governments of Bengal and Eastern Bengal and Assam had the power to raise loans, the direct aid of the Government of India would not be required.

"In consequence of the shilly-shally policy about this Canal, Your Honour's Public Works Department do little or nothing to keep Tolly's Nullah open for regular navigation, even for the smallest boats. The merchants of Chetla are bitter in their complaints, and see no early amelioration of the present unsatisfactory state of things.

"*Government and the Eastern Bengal State Railway.*—One cannot think for a moment that, as the Government of India own the Eastern Bengal State Railway, their policy is to force merchants to use that railway and its connections and its southern branch in preference to sending their goods by boat. I would draw Your Honour's attention to the weighty remarks of the Chairman of the India General Navigation and Railway Co., delivered at the half-yearly meeting in London in May last, which perhaps you may have seen:—

'The Hon'ble Mr. J. Chaudhuri, to whom I referred at our meeting last year, said the other day in the Legislative Council of Bengal: "I see no reason why we should not spend as much of our Provincial resources as may be available for the improvement of our waterways, instead of blocking them up in unprofitable brick and mortar. We should also ask the Government of India, so far as it is beyond our resources, to undertake the improvement of our waterways out of borrowed capital." This is a sentiment we may cordially subscribe to, as the good of the country is bound up with the development of our own special enterprise, which can only prosper in aiding the cause of more efficient and cheaper transport.'

"While referring to the question of minimum railway rates and the rivalry between Bombay and Calcutta for the trade lying in the interior between them, the Hon'ble Mr. Nimmo pointed out that Bengal was trying to recover business that had been seduced away from it over the railways to Bombay by questionable devices. It seems to me that the Hon'ble gentleman might show that there is a simple means by which Calcutta could draw a vast amount of freight to the Eastern side of the Continent and away from the Western. The natural routes to the East are the large rivers, and if only Government took seriously in hand the improvement of the channels of the Ganges, even if railway rates were left as they are, Calcutta would gain an enormous accession of trade by means of cheaper water carriage. Your fleet is being kept fully up to the mark, and the new vessels which have been added show better results than those which went before them, being larger carriers with comparatively cheaper working charge.

"Now, what are the means by which we can achieve this end, and maintain our river services against the constantly growing railway competition? It can be done, and can be done thoroughly, but there is only one way—we must be able to carry larger cargoes for the same, or even for less, money than we do now, and this can be achieved by loading our vessels deeper. We can load our vessels deeper only if we have the water to run them in. It is for this reason we have been doing our best to urge the Government of India to adopt the policy of other countries, not in our interest alone, but with it in the much wider interest of the whole community, which must gain an enormous advantage by the cheapening of carriage. From a narrow point of view, and at first sight, the cheapening of water carriage might be taken to mean a decrease in the earnings of the Railways, but in practice this has not been found to be the result, for cheapening of transport by whatever means attained, has invariably been accompanied by such largely increased development in all directions that every means of transport has prospered in consequence. It has been said that it is the last foot in the draft of a vessel that pays. And that is quite true. When I tell you that during a great portion of the year our vessels are unable to load full cargoes, you will imagine what that means! Could they load up a foot deeper, the whole of the extra freight carried would be profit after deduction of a small extra allowance for coal?

"There is another point where much can be done to help navigation, namely, the shortening of routes. I think we have shown the Government conclusively that the route between Calcutta and Goalundo by water can be easily shortened by 266 miles; between Calcutta and Narainganj and Cachar by 197 miles; and between Calcutta and the North-West by 425 miles; this can be done by the expenditure of a very moderate capital outlay, which would be highly

remunerative to Government from the tolls they would receive—if, indeed they were advised to take tolls at all for preserving and opening up the great natural water roads which the country possesses. I may add that I see in the Engineering Supplement of *The Times* an account of one large dredger which the Government of India have ordered from Messrs. William Simons & Co., of Renfrew. We understand that three such dredgers are going out, and we look forward with very great and pleasurable anticipation to the work they will perform in those rivers, not only to our benefit, but, as I say, to the benefit of the whole of the country.

"On behalf of the Commercial community of Bengal, both European and Indian, I ask Your Honour to vigorously support the demand for the canalization of Tolly's Nullah, and to see that the Government of India pushes on with the work.

"*Railway Facilities, Sara Ghát and Wagons.*—The perennial subjects of improved railway facilities, the Sara Ghat Bridge and the scarcity of wagons have been fully dealt with by the President of the Bengal Chamber of Commerce, the Hon'ble Mr. Apcar, C.S.I., in the Supreme Council, and I only refer to them here to say that the Province over which Your Honour rules is suffering grievous loss by all these drawbacks to trade.

"*Damuda River Improvement.*—A demand has been put forward that an alternative route is wanted for bringing down coal from the districts where it is raised. The Damuda river is said to offer facilities, if they are properly utilized. I suggest Your Honour takes up the canalization of this river as a Provincial work, for we cannot expect the Government of India to look with favour on such a project, as they own outright the East Indian Railway, and in due time will also become the proprietors of the Bengal-Nagpur Railway. I refer Your Honour to what is being done in Belgium, France, Germany, Russia and the United States of America to cheapen transport by utilizing water communication to the utmost. Such a project, as I have ventured to outline, might be financed by a local loan floated in the manner I have already indicated.

"*Calcutta Improvement Trust.*—There is one subject of absorbing interest to Calcutta, and we are all waiting to see the Calcutta Improvement Trust ushered into being. Can Your Honour yet take the public into your confidence? We shall know of the burdens imposed on the trade of the town and on the rate-payers of Calcutta quick enough. Can Your Honour tell us to-day when the necessary legislation to inaugurate the Trust will be introduced into this Council?"

The Hon'ble MR. SPINK said:—"Your Honour, it is a matter for congratulation that the Financial Statement laid before us discloses steady and marked prosperity in the Province, five lakhs of the increase of revenue over the estimates having arisen from such staple sources as Stamps, Excise, Assessed Taxes, Registration and Irrigation.

"It is a somewhat difficult task to effectively criticise the accounts from the Statement laid before us, and I do not propose to do so in detail; but I would venture to suggest that the Government should, in forthcoming annual statements, set out the actual results of at least three previous years, so as to enable Members of this Council, by comparison of the revenue and expenditure for these periods, to form a more correct estimate of public requirements, and the possibility of adequately satisfying these requirements from the revenue.

"Passing to a few of the prominent features of the Budget, it is to be regretted that the Government have not made a larger appropriation to Technical Education. The country is rapidly developing along every line, and though no doubt University Education have its great advantages, the Government should use every endeavour to encourage the practical possibilities of the people and Technical Education might, with advantage, receive closer attention and fuller aid from Government. The necessity of giving more generous support

to this branch of education was strongly urged upon the authorities by my predecessor, the Hon'ble Mr. Larmour, in his Budget speech in 1905, and his views received Your Honour's cordial support; one, therefore, views the small allotment under this head with considerable disappointment.

"The Government has been addressed from time to time by the Association which I have the honour to represent, on the subject of Jail Manufactures. From the Statement before us, the cost of Jail Administration is set down roughly as 24 lakhs, and the revenue yielded by the Jails appears to be 12½ lakhs. A reference to the figures for the preceding years shows that the revenue from this source, instead of showing a decrease, marks a steady rise from year to year. We know that this matter is now receiving the careful attention of the Governments of India and Bengal, and I trust that the discussion of the various issues that have arisen in connection with the competition of jail industries with private enterprise and which are so clearly set forth in the Government of India's letter, No. 153 of 10th August last, will lead to a settlement satisfactory to the parties concerned.

"Few of the appropriations set out in the Budget will, I heartily believe, meet with greater approval than those in connection with hospital and medical needs in this City, and we have to thank Your Honour that these have been meted out with no mean hand. Owing to these liberal grants, and also to the generous allotments to Calcutta Charities from Her Excellency Lady Minto's Fancy Fête Fund, Calcutta will begin to realize that her wants are at least receiving the recognition they deserve, and we shall shortly see the paying patients' wards, both in the General and Medical Hospitals, available for the purposes for which they are so much needed.

"The want of much more accommodation for Small-pox patients has been keenly felt for some years past during which the disease has been so terribly prevalent in Calcutta; the extension of the Campbell Hospital is a step in the right direction, but it is to be hoped Government will not rest satisfied with this somewhat tardy recognition of the City's needs in this particular direction.

"It is to be hoped that the Government will devote its close attention to the improvement of the water-ways of Bengal. The network of navigable rivers intersecting the Province, if efficiently policed and otherwise rendered navigable for vessels, would do much to free the railways from their overburden of traffic, and would lessen the price of raw materials and food-stuffs now ruling in this Province. The present high prices of food-stuffs has fallen heavily upon the commercial and trading community in Calcutta, who have been compelled to grant increased wages of their employés, whilst it has also caused much suffering and distress to the people. The Government might, with advantage, examine the question of the Water-ways of Bengal and see if this amelioration would not tend to cheapen the prices of these commodities. The expenditure on Rivers and Canals is so small as to lead to the conclusion that the matter has not received the attention which it needs from the hands of the Government.

"The allotment of 50 lakhs to the much-needed scheme for the improvement of this City leads us to hope that the subject will receive the very early and energetic attention of this Government. To handle the problem in a bold and wholehearted way, much further assistance will be required, and it is to be hoped that Government will see its way to deal this out with no niggardly hand in future Budgets.

"The extension of the High Court buildings, for which I see a grant of Rs. 1,30,000 has been made, will be welcomed by all whose business calls them there, either as willing or unwilling visitors. The entire absence of any accommodation whatever for jurymen, witnesses, etc., has long been felt as a very distinct grievance by a class of the community who have, mostly against their will, to spend many valuable hours in its crowded courts and corridors, and I strongly urge that under no circumstances should their claim for decent

and commodious waiting-rooms be overlooked. It would be a boon to many also who come considerable distances and have not time to return home, if some accommodation could be found for a restaurant where lunches could be obtained in the brief midday interval granted by the Court.

"I notice that a sum of Rs. 23,000 is allotted for Smoke Nuisance charges in the coming year. Not very much progress has so far been made in reducing the volume of murky clouds which pour over the Strand Road during the cold weather months. Judging by my own limited experience of the Commission's activities, particular attention has been paid by the Inspectors to some of the smaller industries in the City, but the greater sinners on the Howrah shore still puff their pestilential clouds over the just and the unjust in the City to the detriment of its health and cleanliness. It may be presumed, however, that steps will be taken to remedy this defect."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"May it please Your Honour—Before I begin my observations on the Budget, Your Honour will allow me to thank you for the announcement just now made that Your Honour's Government has, in difference to public opinion, desired to postpone the consideration of the Local Self-Government Bill. We are grateful to Your Honour for recognizing the justice of the contention that has been put forward for many years past to devote the Road Cess to its original purposes. I had taken the liberty on an earlier occasion to call Your Honour's attention to the violation of the assurance which the Government had given when introducing the Road Cess Act. It seldom falls to the lot of a critic of Government measures to see, during his life-time, the reform advocated by him carried out. To me and to the whole country Your Honour's announcement will come as an agreeable surprise, and I can assure Your Honour that it will greatly enhance the prestige of Your Honour's Government for the courage of its convictions in the sincerity of its purpose.

"The Hon'ble Mr. McIntosh deserves our congratulations for the prosperous Budget he has been privileged to lay before the Council. I wish, however, it was possible to relax the official mould in which the Financial Statement is cast, so that we, humbler mortals, not accustomed to deal with a solid array of figures, might approach it with a sense of greater ease and freedom. I am afraid I am guilty of impertinence in making this observation, but I can only plead that I voice the feeling of the lay public. I must, however, exonerate the Hon'ble Mr. McIntosh from any responsibility for the sphinx-like impassiveness of the Budget, for I recognize the difficulty of deviating from a stereotyped form.

"*Budget Details.*—We have to thank Your Honour for the opportunity that was afforded us of discussing the anticipatory Budget tentatively, with the Financial Secretary. I hope the precedent set by Your Honour, will develope with growing years, and non-official Members of Your Honour's Council, without any distinction, will be allowed the privilege of submitting their suggestions in writing before the Budget is finally framed.

"Sir, I am in the fullest sympathy with the public in its desire to see Budget debates curtailed, but this is the only occasion when the whole administration may be reviewed and non-official Members are naturally anxious to utilize the opportunity. I must frankly admit that though our speeches have not often times been over-conducive to a wakeful interest in the proceedings in the close atmosphere of the Council Chamber, we have always received the most considerate attention from Your Honour and our Official Colleagues, who have bravely fought against the *ennui* of the whole proceedings. I shall try not to abuse this indulgence and to be as brief as I can in the few observations that I wish to make on this occasion.

"*Divided Interest.*—I have the honour to sit in this Council as the representative of the University of Calcutta, which embraces the entire Province as it used to be before October, 1905. There are various questions of great importance connected with the Educational Administration of the several

Provinces on which I would wish to speak, but that may not be, not until the 'settled fact' of official parlance is unsettled by the united effort of an entire community.

"*Re-organization Scheme.*—Sir, the re-organization scheme of the Provincial and Subordinate Educational Services has been published, and I must thank the Government on behalf of my unhappy countrymen engaged in the work of Education for the relief, however inadequate, given to them: but the number of appointments in the Provincial Service which begins with the grade of Rs. 200 rising to and ending with the grade of Rs. 700 a month, is only 112, distributed over 8 grades. The lowest or the eighth grade was fixed in Bengal at Rs. 150 a month as one of our distinguished Directors of Public Instruction thought that we in Bengal would get plenty of good graduates for Rs. 150 a month, though the grade carried a salary of Rs. 200 a month in the other Provinces where graduates were not so plentiful as in Bengal: in restoring to the grade, the pay originally intended for it, the Government has done what is after all tardy justice.

"Leaving the Provincial branch of the Education Service and going down the ladder into the Subordinate Educational Service, we find 615 appointments distributed over 8 grades, beginning with Rs. 50 a month and ending with Rs. 250. The only relief to this branch has been the creation of a few more appointments, which, so far as the lower grades are concerned, will serve to retard promotion.

"Coming further down to the lower Subordinate Educational Service, we have 950 appointments distributed over 5 grades, commencing at Rs. 15 and ending at Rs. 45. This is the improved state of things in the western division of the old Province. A first class M.A., if he is very lucky, begins in the Subordinate Educational Service on Rs. 75 a month, that is to say, in the sixth grade. He must go through 14 grades before he can attain to the highest grade of the Provincial Services, *viz.*, Rs. 700 a month. Human life, specially in service in this country, is too short for this weary journey. No one has yet done it, and the highest that one can aspire to is Rs. 250 a month, the first grade in the Subordinate Service.

"Is it any wonder that our brilliant University men shun the Educational Department like the Upas tree? If the prospects of this branch of the service are bad, and bad enough they are in all conscience, what is the position of that unfortunate class who pass their lives between Rs. 15 to Rs. 45 a month in the education of our children? They are like miners entombed, shut away from the warmth and radiance of life, though set to extracting much richer ore than any that a mere mine can yield. Does Your Honour expect any display of energy from men whose life is one uniform and unredeemed drudgery? These are the teachers in our Secondary Schools.

"Coming to the *guru* teacher in our Primary Schools, we find that he receives the magnificent emolument of Rs. 4-10-0 a month. Says the Inspector of the Dacca Division: 'It is important to note that this sum is probably doubled in any cases by the performance of other duties, the copying of deeds, etc., by agriculture or by free board extended to him by the villagers.' And the same Inspector remarks: 'Even this remuneration would hardly attract a coolie'. Such is the lot of that humble class of officers who are supposed to teach our little children the elements of all the sciences known to men, biology, physics, chemistry, botany, hydrostatics, geology, etc. Your Honour could not get a peon for the salary offered to these teachers. I am quite sure the Government must feel as keenly as any one interested in the work of Education that such a state of things cannot be allowed to continue.

"We are grateful to Government for the assurance it has held out in answer to some questions of my hon'ble friend, Babu Kali Pada Ghosh, that the lot of the lower subordinate class will receive consideration. I hope the teachers in our Primary Schools will not be forgotten when the scheme is revised.

[*Babu Bhupendra Nath Basu.*]

"If the lot of the officers in the lower ranks is deplorable, the prospects of those who are in the upper ranks, in the branch known as the Provincial Educational Service, are not very inspiring or encouraging. They will now begin on Rs. 200 and end, after passing through 8 stages, with Rs. 700. In these ranks are found some of the most brilliant men amongst us; men who have obtained high academic distinctions in Oxford or Cambridge or the Scottish Universities; men who would shed lustre on any educational institution with which they may be connected.

"Many names would at once occur to Hon'ble Members who have the privilege of knowing some of the officers employed in this branch of the service. Here we find Dr. P. C. Roy, who is an ideal teacher idolized by his students and who has done original work in chemistry, of which his countrymen and the Government which employs him may feel justly proud. Here in a lower grade we find Mr. Mahalnobis who has given to the Presidency College its Biological Department, and here too, in a grade further lower down, is that eminent Chemist, Babu Chandra Bhusan Bhaduri, to whose devoted co-operation with Dr. P. C. Roy, we owe those promising and well-equipped Chemical Works, known as the Bengal Chemical and Pharmaceutical Works, which for organization, economy and efficiency, would be an object lesson to many departments of State, and who after 22 years of service was pining in the grade of Rs. 250 a month until the reorganization scheme, which gave him an extra Rs. 50 a month. Other names equally deserving might be mentioned, but I have only selected a few to show what prospects are held out in the Educational Service to our most distinguished graduates.

"*Provincial* vs. *Imperial.*—Sir, in former years any distinguished Indian graduate who had taken to the Educational Service might aspire to rise to the highest position in that Service. A separate Indian Service, known as the Imperial Service, where the grading begins on Rs. 500 and goes on to Rs. 1,500 a month or more to be recruited in England was unknown in those days, and Indian Educational Officers have occupied high places and discharged their duties with conspicuous ability. The spirit that the native of India must be kept down had not then manifested itself and he was welcomed as a colleague, but during the last 12 years a change has come over that spirit, and a system of recruitment has been adopted by which Indians were practically debarred from the higher branch of the Educational Service.

"Callow youths, not always distinguished graduates of the Home Universities, have been recruited at Rs. 500 a month and have speedily risen to the grade of Rs. 1,000 a month, whereas older men, who had made their mark as teachers and had achieved distinction in the subject of their choice as original workers, wearily struggle against the bars of colour and race.

"Sir, an aspiring Lawyer whose education may have been confined purely to an Indian University may rise to be a Judge of the highest Court in the country; any enterprising young man who may secure a place after a course of preliminary coaching, in the Civil Service may rise to be a Commissioner of a Division, or even a Senior Member of the Board of Revenue, and I trust the day may not be far distant when one of my countrymen may occupy the exalted seat which Your Honour is now holding. And it is surprising that in the domain of education, when the Indian has a traditional and inherited aptitude, he should be forcibly relegated to a back seat. I am not one of those who would for a moment advocate that the emoluments offered to purely English graduates should be curtailed. I am still old fashioned enough to believe that the association of the west and the east in the field of knowledge has been productive of great good to ourselves, and that for many years yet to come this association must continue; but what I do urge is, that my countrymen should not be excluded from the higher ranks merely because they are Indians.

[*Babu Bhupendra Nath Basu.*]

"In putting this claim forward, I believe I am not addressing an altogether unsympathetic Government. Evidence is visible on all sides that the spirit which would keep an Indian down, merely because he is an Indian, is giving way to a juster appreciation of the claims and capabilities of the Indian. No less a personage than His Royal Highness the Prince of Wales has re-stated the principle that should guide the Englishman in the Government of India, and our present Secretary of State has emphasized the adoption of that principle from his place in Parliament. If, Sir, this just grievance is not removed in the present *regime*, we shall have little hope of this wrong being remedied within a measurable distance of time.

"*Neglect of Education.*—Sir, if the prospects of our officers engaged in the Education Department are so gloomy, the prospect of education itself is not very hopeful. I cannot believe that those interested in the work of Education in the country will share the gratification of the Hon'ble the Financial Secretary at the progressive increase of expenditure on the head of Education. We do not like the probable saving of Rs. 3,41,000. The grant now stands practically at 43 lakhs. Is this a sum adequate to meet the educational needs of a population of 50 millions? The result is, that every department is starved.

"In all Bengal, until lately claiming to be the premier Province of India, there is not a single Technological Institution, there is not a single colleger properly-equipped, not a single school properly-housed and furnished. This is a sweeping statement I admit, but absolutely true. There is no Technological Institution in the country and there is no more to be said about it. As regards Colleges, take the first College in Bengal, the Presidency College, cabined, cribbed, confined,—overcrowded class rooms, inefficient and insufficient laboratories, an inadequate staff, absence of a gymnasium or play ground, that is the verdict of Government Officials. As specimens of Government schools, take the foremost, either the Hindu or the Hare School,—ill-lighted, ill-ventilated, incommodious, unattractive, that is the verdict of the Committee appointed by Government.

"If the Government is anxious to promote education, it is not enough to pass measures of officialized legislation and rest content; it must pour forth plenty out of its treasury to find the means which are considered essential towards a sound system of education. We cannot rest, while all the world is progressing. Sir, for the information of my Colleagues, I shall place certain figures as to the scale of public expenditure in civilized countries and in Bengal.

Country.	Expenditure.	Population.	Expenditure per head of population.
	Rs.		Rs. A. P.
Austria	5,45,38,000	26,712,000	2 0 8
Belgium	2,62,50,000	7,078,910	3 12 0
Bulgaria	64,02,000	3,744,283	1 11 8
Chili	1,71,70,000	3,110,000	5 8 4
Denmark	72,93,000	2,450,000	2 14 11
France	15,06,25,000	38,962,000	3 13 11
Germany	33,00,00,000	60,605,000	5 7 2
Italy	3,65,05,000	32,475,000	1 1 11
Mexico	1,98,00,000	13,545,000	1 7 6
Norway	63,36,000	2,312,000	2 12 0
Portugal	49,65,000	5,016,267	9 14 11
Servia	31,20,000	2,500,000	1 4 0
Spain	2,70,00,000	18,608,000	1 7 2
Sweden	2,94,45,000	5,295,000	5 8 10
Switzerland	3,20,25,000	3,313,000	9 11 2
Japan	7,82,25,000	44,260,000	1 12 4

[*Babu Bhupendra Nath Basu.*]

"Puny little Portugal, with a population which is roughly $\frac{1}{10}$th of Bengal, spends nearly Rs. 10 per head, so does Switzerland; and we, in Bengal, with an Excise Revenue which would intoxicate even a German Chancellor of the Exchequer, spend how much do you think? One anna, three pies, per head on Education. Here are the figures:

Country.	Expenditure.	Population	Expenditure per head of population.
	Rs.		Rs. A. P.
Bengal	42,90,000	49,322,000	0 1 3

"Take, again, the expenditure on our Colleges as compared with similar institutions in other countries:—

Names of Colleges.	Cost of buildings.	Annual expenditure per annum.	Number of students.	Expenditure per student.
	Rs.	Rs.		
Liverpool University ...	.....	5,26,000	505	1,050
Manchester Owens' College	72,74,000	6,87,000	643	1,070
Bristol University College...	6,86,000	1,80,000	826	
London King's College ...	37,50,000	5,28,000	2,107	(1)
London University College.	27,90,000	4,56,000	1,246	(1)
Newcastle Armstrong College.	18,94,000	3,01,000	1,637	(1)
Nottingham University College.	... ..	3,41,000	2,001	(1)
Reading University College	.....	2,72,000	1,269	(1)
Sheffield University College	21,00,000	3,36,000	1,881	(1)
Southampton Hartley University College.	.....	2,21,000	870	
Aberest with University College of Wales.	9,05,000	2,78,000	467	
Bangor University College of North Wales.	.....	3,29,000	330	
Cardiff University College of South Wales and Monmouthshire.	8,60,000	2,93,000	651	
Calcutta Presidency College	.....	1,44,000	698	207
Total Bengal (University Education).	.....	7,66,000	5,656	
Total England (2) University College.	.....	48,16,000	.....	
Cambridge ...	.....	52,72,000	3,054	
Oxford ...	.....	Unknown.	3,592	
Ditto Wales (University College).	.....	10,28,000		
		Salaries of Professors alone.		
Edinburgh ...	.....	5,62,000	3,147	
Glasgow	.....	4,05,000	2,393	
St. Andrews	.....	2,58,000	518	
Aberdeen	.....	2,78,000	880	
		15,03,000	6,938	

(1) Not all fully matriculated University Students.
(2) Apart from Oxford and Cambridge.

[*Babu Bhupendra Nath Basu.*]

"It will appear from the above table, that where Your Honour's Government spends Rs. 207 per student in the Presidency College, Manchester spends Rs. 1,070 and Liverpool Rs. 1,050; and of this sum of Rs. 207 spent in the Presidency College, the student himself contributes Rs. 144, the Government spending the magnificent sum of Rs. 63 per annum per student for Collegiate Education in the Premier College in Bengal. Talking of contribution, it will be interesting to observe that while the public revenues of Japan contribute 83·2 *per cent.* of the cost of education, Bengal contributes only 42·9; and while a Japanese student pays only 9·8 *per cent.* of the cost of his education, the Bengali student pays 38·91 *per cent.*

"Sir, in a recent debate the Hon'ble the Chief Secretary, controverting some observations which I had made in this Council, contended that the Government of Bengal had a conscience. Sir, I do not venture to follow my hon'ble friend, who hails from a country which has given birth to some of the most astute metaphysicians whom the world has known, into the intricacies of such a recondite and abstruse proposition. But this much I can safely say, that if the Government which my hon'ble friend has so courageously vindicated had any lineaments, the figures that I have quoted would raise a blush even in the grave and sedate countenance which would benefit such a Government as ours.

"Sir, I if cannot move the Government on the question of Education for the whole of the Province, I can plead with confidence the cause of the 1st College in Bengal, if not in India. I do not propose to place before the Council the many shortcomings which have been pointed out in the report of the Commission appointed by the University, and admitted and confirmed by the Director of Public Instruction in his admirable annual report. Whatever Your Honour's Government may do, it must at once decide on the future of the College. If it is decided to keep it where it is, lands should be taken up at once and laboratories and class-rooms should be built and equipped without delay. The new University Regulations impose a serious and heavy responsibility on the Government and unless the Government is prepared to see the College disaffiliated in science, it must do something to put the College on a satisfactory basis; but if these improvements require time, no time need be wasted in strengthening its staff, where there is much room for improvement.

"I believe I am not overstating the case when I say that, in many subjects, missionary and private colleges in Calcutta can show a stronger staff than the Presidency College: this is a state of things which ought not to be. I speak with some assurance when I say that at least 20 lakhs would be required for the improvement of the Presidency College, money which could not be better spent, and we have Rs. 46,000 allotted to the College! Truly, an offer which would try the patience of a saint much less of an expectant nation.

"*Hindu and Hare Schools.*—I have already referred to the condition of the Hindu and Hare Schools. The class-rooms are badly lighted, the upper classes are overcrowded, the lower classes are huddled together, the sanitary arrangements are defective; and the Hindu School has no play-ground at all. This is a state of things which the Government should not allow to continue in its premier schools in Calcutta, and I earnestly commend the condition of these schools to the attention of Government. Might I suggest for the consideration of Government that, instead of two first class Government schools being located in the same place, the Hare School should be removed to a more southerly situation in Calcutta for the benefit of the Indian population in the southern and outlying division of the town.

"*Sibpur Engineering College.*—Speaking of removals, would it be desirable to remove the Sibpur Engineering College far away from Calcutta? The Government has in contemplation the addition of Technological Departments to this Institution on a large scale. Would it be to the interest of such departments to be removed far away from industrial centres, where boys could have practical lessons and training? That is an aspect of the case which I would respectfully ask the Government to consider.

[*Babu Bhupendra Nath Basu.*]

"*Female Education.*—If the education of our boys is still neglected that of our girls is hopelessly backward. In the western part of the old Province of Bengal, the proportion of male scholars to the male population of school-going age is 28·47, whereas the proportion in the case of girls is 2·92. In the eastern part of the same Province, including Assam, the proportion is 30·62 in the case of boys and 3·21 in the case of girls. Under Your Honour's jurisdiction, private institutions of an advanced type for boys number 17,191 against 160 for girls, and the elementary private institutions number 37,261 for boys against 2,409 for girls. This indicates, I am afraid, the national apathy to the education of girls. But Government is hardly more sympathetic: it has got 151,055 secondary schools for boys against 5,593 secondary schools for girls; and as regards primary schools, there are 888,598 public institutions for boys against 107,021 for girls. There is a growing desire, a growing necessity for the education of our girls, and if our marriage laws and social customs make higher education of our girls difficult, there may be a much larger number of upper and lower primary schools for our girls.

"*Training of Lady Teachers.*—While on the question of the education of girls, we are thankful to Government for the facilities it is seeking to provide for the training of lady teachers, for the advanced classes of female students. It is a move in the right direction, and has been inaugurated none too soon. The scheme owes its initiation to Mr. Earle, and we are particularly grateful to him for the energy and ability with which he has pushed it forward. Your Honour was pleased to inaugurate the scheme, and may I request Your Honour to put it into operation in Bengal at once, even though private contributions have not come up to the amount anticipated. Only a very small margin has to be made up, and I am sure Your Honour's Government will readily come forward to cover the margin, especially as the Budget anticipates a probable saving of Rs. 3,41,000 under the head of 'Education.'

"*Training College for Teachers.*—I may inform Hon'ble Members of the Council that, while such a necessary measure of reform is hanging fire for want of funds, we have in our midst, for more than six months, a complete staff of teachers for the projected training institution for male teachers. This institution is not in existence, and from all accounts will not be ready until the next two or three years. In the meantime, the curious are asking as to the expenditure incurred in the salary of the staff already brought out? I am told the expenditure will not be less than Rs. 3,000 a month for a staff which has no work to do.

"*Diminished Scholarships.*—Sir, both myself and my immediate predecessor in the representation of the University have called attention to the diminution in the value of scholarships, causing great hardship to our poor but deserving students who find that their college fees exceed their scholarships. Last year, we only spent Rs. 1,50,000 out of a total revenue of over six crores. I congratulate myself that the matter has drawn the attention of Mr. Earle, and I have no doubt that the grievance will soon be removed.

"*Muhammadan Education.*—Sir, while dwelling on the question of Scholarships, which means facilities to poorer students, I cannot pass over the question of Muhammadan Education. In the old Province, the Muhammadans represent a percentage of 17·2 of the general population, but unfortunately this percentage is not borne out in the school-going population. In the primary schools, the percentage of Muhammadans is 13, while in the higher stages of instruction it is still less. Thus in secondary schools, the percentage is 8·7, in Arts Colleges 6·3, while in Professional Colleges it is only 4·3. This is a state of things which requires careful investigation, and if special facilities are needed to help the spread of education amongst the Muhammadans, I am certain the educated Hindu community will not grudge.

"*Direction.*—Last year, I had taken objection to the appointment of an outsider as Director of Public Instruction in Bengal. My objection was on principle and, as such, it still stands good: but while maintaining my objection on the ground of principle, I must frankly and freely acknowledge that

outside the ranks of the Education Department no selection could have been better than that of Mr. Earle. His energy and enthusiasm in the discharge of his new and onerous duties and his devotion, are worthy of all praise. He has carried out changes and reforms which had become stranded on the way for want of motive power, and if his want of experience has led him into occasional errors, we can exonerate him from all blame in connection therewith, for those who have carefully followed the Educational Administration of the Province, can easily trace them to their source.

"Sir, the re-duplication of the administrative machinery necessitated by the dismemberment of our Province has not been fraught with beneficial results, so far at least as Education is concerned. Mr. Sharp, the Director of Public Instruction in the Eastern Division, finds it difficult to bring the Assam system into line with the advanced methods of Bengal; and the narrowness of the East has come into conflict with the broader ideals of the West, leading to the downfall of one Provincial Ruler.

"Mr. Earle has rightly asked for able and worthy assistants to watch over and foster the different departments into which the education of the people must necessarily be divided, primary, secondary and technical, and in the compass of what was originally a single province we shall find two sets of Assistant Directors doing the same work. The grant which should enrich the streams all along the line will be stored and bunded up at the head and the cause of Education will suffer.

"Sir, I have pointed out the lines in which the Government of Bengal, except in the matter of the exclusiveness of the Imperial Service, might work without the initiative of the Government of India.

"*Primary Education.*—I had taken the liberty, on a previous occasion, to suggest that Primary Education should be made free, and that it might be made compulsory in certain areas. We are all thankful to find that the Government of India, under the inspiration of the Secretary of State, is trying to remove one of the greatest blemishes in the administration of the Empire, the levying of fees for the Primary Education of the poor, and I trust it will not be long before the aspiration to which I have ventured to give expression in Your Honour's Council will be realized.

"*Interpellations.*—Sir, I am afraid I have put the patience of my Colleagues to too severe a strain. The subject with which I have been dealing, though technical, is of the most vital importance to the nation, and my only excuse is, that there is no other occasion when I can discuss it in this Council. From the placid waters of a non-political subject, I am drifting into the eddies of controversy and politics. Sir, the right of interpellation is a highly-valued privilege; it is intended for the purpose of directing inquiry and eliciting information. It serves as a great check upon erratic Officials, whose wanderings abroad are promptly brought to the notice of the Government and the Public. But some recent answers in Your Honour's Council have created profound disappointment.

"While innocent men holding honourable positions in life have been humiliated by being enrolled as special constables, not for the legitimate purpose of strengthening the Police Force but from political and other motives, Your Honour's Government has pleaded ignorance of the abuse of the powers vested in Magistrates of enrolling special constables. Such an answer defeats its own object and creates a feeling that the Government is neither prepared to correct its officers, nor to deny the charge.

"The indifference of Government to popular sentiment has evoked such a strong sense of resentment that when it was proposed at the last Berhampore Conference to bring this matter to the notice of Government for the purpose of rectifying the abuse, the subject was dropped, because it was felt that the abuse was so flagrant that it was hurtful to the cause of agitation in the country against unpopular measures.

[*Babu Bhupendra Nath Basu; Babu Jogendra Nath Mukharji*]

"Specific instances were given in questions put in this Council of the interference by a Magistrate in political matters; and while they were not denied, as in fact they could not be, the conduct of the Magistrate was sought to be justified as a perfectly legitimate exercise of his right of private and confidential intercourse with local zamindars. An unheard-of prosecution is started for the theft of benches, which never were stolen or intended to be stolen, but were used for a theatrical performance, at the close of which some youngsters delivered *Swadeshi* speeches, and the solemn farce of a trial is gone through in the lower Court at the instance of the District Magistrate to be relegated to the regions of ridicule by the District Judge, and the incident is dismissed from consideration in Your Honour's Council as one of the commonplaces, as it unhappily is, of our judicio-executive Magisterial Administration.

"These and things like these do not tend to allay the public irritation which is still manifest. If Lord Curzon did the greatest disservice that he could think of to the Bengali people, he also unwittingly did them the greatest service that man could do to man; he evoked in them a life of which they themselves were not conscious; he inspired in them activities which they had not realized before. That this life, these activities may lead us onward and forward to a higher platform, where the people and the Government can meet on terms of mutual respect and mutual goodwill, is the earnest desire of all well-wishers of our country; but if the Government goes on clinging to the baneful traditions of the late administration, it will hardly be the fault of the people if the spirit of discontent goes on growing, if belated concessions to popular rights and popular demands are received with sullen discontent, if not, with positive disapproval; and if, in the end, the people and the Government stand absolutely divorced from each other. I am aware that Your Honour does not wish for such a consummation. I am also aware that much lies in Your Honour's power to prevent it, and I earnestly appeal to Your Honour to exercise that power."

The Hon'ble Babu Jogendra Nath Mukharji said:—"Your Honour, the Budget for the current year, although in form and method it follows its predecessor and, in so far as it does so, shares with it the lucidity which is no doubt a matter for congratulation, yet it must be confessed that in certain respects it affords grounds for disappointment The last Budget was ushered in shortly after the Partition of Bengal had been effected, and one might suppose that it was then too close upon its heels to be associated with any practical undertaking on the part of Government for a better administration of the divided Province, based upon a more thorough attention to detail, such as had been foreshadowed by it on the eve of the Partition. The promises with which the Partition of Bengal were proclaimed raised hopes that the Budget for this year would be somewhat different in form and character from its predecessors. It seems to me, Sir, that the Budget for a great Provincial Administration like that of Bengal should not only present in a clear and intelligible form its expectations as to the different sources of its revenue and the reasons upon which they are based, as well as the allotment of that revenue to the ordinary charges of the administration, but it should also clearly set forth a plan for reforms and improvements that it proposes to undertake or carry on during the year. In other words, the proposals for the year's administrative operations in so far as they are not permanently recurrent as well as the policy which forms the driving power for such operations should, to my mind, be stated and explained with a clear outline.

"The Financial Statement should also, in my judgment, note the stages which pending projects for improvement and reform may have attained, and if, owing to some cause or other, this progress has been arrested, it should indicate the cause which has led to such arrest. It should further state the circumstances under which and the manner in which Government proposes to stop, if possible, the operation of such interfering elements, if any, and, as a matter of consequence, it should state how and when it expects such projects to resume their onward career. The Financial

Statement should also show how and to what extent the amount allotted to any head of disbursement connected with a project for reform or improvement is calculated to serve the object in view. Such statements, Sir, the public have a right to expect.

"The Government of this country is carried on by a body of Officials whose tenure of particular offices is constantly changing, and the Heads of Departments, also, form no exception to the rule. The subordinate and permanent body of Officials are mainly, if not entirely, interested in the settled routine of their official duties, and they cannot be reasonably expected to take anything like a sustained interest in the policy actuating a measure of reform. The Budget or the Financial Statement appears to me to be a medium through which the facts indicated above can be conveniently made known not only to the general public, but to the subordinate officials as well, whose duty it is to carry out measures of improvement and reform. The omission of these facts and statements from the records forming the basis of a Budget debate leads very often to the result that a measure conceived by one Head of the Administration is imperfectly realized or perhaps altogether lost sight of by another. Reform and improvement under these circumstances tend to become shallow and fitful, the public sometimes get mystified for want of information in an easily accessible and clear form, and they lose the thread of what has gone before. It is needless to say that the administration loses in this way a great deal of the vitality which must always be kept up in order to make it fruitful of permanently good results.

"I will try to make my meaning clearer by reference to an item of considerable importance in the Budget for the last year. In that year, a sum of Rs. 1,35,000 was allotted by this Government to the establishment and maintenance of a Central Weaving School at Serampore. The Financial Statement for the current year has kept the public entirely in the dark as to how this projected institution has progressed, if at all, and what further steps the Government proposes to take this year towards realizing this educational idea. The matter is of the utmost importance to the country at large, yet the Financial Statement does not contain the faintest reference to it. No doubt the fact is mentioned in the Financial Statement for the year that Rs. 35,000 is allotted to Technical Education, but the detailed estimate contains no mention of it even, and we have no means of discovering whether the whole of the allotment of Rs. 1,35,000 in the last year's Budget was spent in course of the last financial year or only a portion, and if so, what portion, and whether the sum of Rs. 35,000 provided in the current year's Budget merely represents the unspent balance allotted to the maintenance of the proposed institution and which could not be spent last year as the school was not opened at all?

"Further, there is nothing to indicate whether Government intends to follow up the policy of fostering Technical Education; if not, what causes prevent it from so doing and whether any portion of the Rs. 35,000 in the current year's Budget will go at all towards the maintenance of this technical school? The people may therefore very well wish to know whether the Government is very serious about encouraging Technical Education of such a character as would result in the Indians succeeding to a greater extent in manufacturing articles of everyday use? The total increase of expenditure of Rs. 1,28,000 under the head of 'Education,' on the figures for the last year in the Provincial and Local accounts, may not after all mean anything substantial so far as the encouragement of the weaving industry is concerned.

"If other instances of a similar, though not of so important, character are to be cited, I can refer to the charges amounting to Rs. 23,000, on account of Smoke Nuisance, and an allotment of Rs. 14,500 as a provision for starting Training Colleges at Hooghly and Bhagalpur. Neither the former nor the latter item is associated with any explanation as to the manner in which these sums are proposed to be spent. With reference to the latter item it is to be noted, however, that the figure appears for the first time in the current year's Budget;

[*Babu Jogendra Nath Mukharji.*]

and although an explanation has been added to the effect that this sum of Rs. 14,500 is meant as a provision for officers who come from England, yet for all that, unless one took the trouble of diving into the archives of the Education Department he would not know what officers arriving from England would get the benefit of the training to be secured at this expense of money. I do not propose to pursue the point any further. I feel sure the instances I have quoted above place my argument in a clearer light.

"Sir, I recognize that to meet this demand, a more careful, protracted and *reserche* thinking out of a plan of action is necessary than is accorded, under existing circumstances, to questions of this character. But if older conditions rendered such a course difficult, the lightened cares of the fifteen districts separated from this Province ought to make the task easier. On the part of the non-official Members, I may venture to say that they would gladly share with the Government any responsibility in connection with the Budget that the Government might allow them. I take it, of course, that the brief opportunity that was given to some of us this year was, to my mind, not sufficient for the purposes of any substantial assistance.

"I beg now to pass on to the subject of the 'normal expansion' of the Revenue. Last year I had the honour to indicate how by the system adopted in connection with the preparation of the Budget there was some danger of converting the so-called 'normal expansion' of Revenue, with regard to assessed taxes into a somewhat forced expansion. My arguments were disposed of by the Hon'ble the Financial Secretary and the Hon'ble the Chief Secretary with remarks to the effect that the Subordinate Executive Officers cannot know in the ordinary course of their work, and do not therefore take into their consideration, the Government estimates for the whole province which are repeatedly altered in course of the year in the light of information received, and further that no attempt is made to split up the total finally adopted into figures for each district. The process indicated is no doubt what actually takes place. But no criticism was offered as to the course suggested by me, namely, of scrutinizing the details as to the differences between the figures for receipts in the original estimate and the revised estimate for the expiring year, and instead of adding something more to the actuals for the expiring year, of carefully eliminating from them those items which betray any result of irregular or over-assessment.

"I am indeed somewhat concerned to note with reference to Assessed Taxes that a sum of Rs 2,40,000 has been added this year to the figures in the revised estimate for the year that has just expired. Further, the figure in the sanctioned estimate under this head for the last year was exceeded in the revised estimate by a sum of Rs. 1,90,000, and the excess is no doubt based upon the actuals for that year. How much of all this is due to progressive growth and how much to undue zeal on the part of assessing officers it is difficult to say. From whatever point of view, however, the matter may be looked at, there cannot be any reasonable doubt that the officers entrusted with the levying of the Assessed Taxes know that the actuals for any particular year in his own district form the basis of the figures in the Budget for the next year, and that unless they pull up their own figures for the current year to the level of those sent up by them and already adopted without challenge by Government during the previous year, they stand the chance of being censured, no matter whether their own figures are the results, in part at least, of irregular or over-assessment. This is a point to which I would invite the serious attention of the Government.

"Sir, an increase of more than five lakhs of rupees on the figure in the revised estimate for the year that is just out is noticeable in the current year's Budget on the receipt side, under the head of sale of Court-fee Stamps. There is a further sum of two lakhs of rupees provided for on account of the sale of plain paper to be used with Court-fee Stamps. The increase with reference to the figures for the two preceding years appears to be somewhat extraordinary and seems to require explanation. This sudden increase cannot be normal, for we already know the normal rate of increase in the preceding years.

[*Babu Jogendra Nath Mukharji.*]

"Sir, there is one other feature of the Budget on its receipt side to which I beg to request Your Honour's attention, and it is the mixing up of some of the minor heads of the Provincial Rates. The only rate mentioned in the Budget under the head of 'Provincial Rates,' apart from the general rates for the management of Private Estates, is the Public Works Cess. The words 'Road Cess' seem to have altogether disappeared and one may wonder why it has so done. Whatever may be the cause of such disappearance it is certain that it causes a student of these figures some trouble to find out what amount of Road Cess is collected in this Province.

"Passing on to the disbursement side, I beg to notice, in the first place, that the budgetted total receipts from the sale of Court-fee Stamps and plain papers as stated above amount to Rs. 1,09,62,000, and the forecast of the total expenditure for the current year under the head of 'Administration of Justice' is only Rs. 74,19,000. It seems to me that there is good ground for the complaint that the revenue obtained from this source ought to prove an incentive to a great many reforms with regard to the Administration of Jusitce, both Civil and Criminal.

"In course of the debate in the Council of His Excellency the Viceroy, the necessity for the separation of the Judicial and Executive functions has been pointed out with great force and clearness, and I beg to accord my heartiest support to the demand for this much-needed reform. So long as this canker which is eating into the vitals of the Administration of Justice is allowed to do its work unchecked, it is hopeless to expect any abiding improvement. Want of funds, at any rate, cannot be pleaded in this case. Considerable sums are now being devoted to the reform of the Police for which we all feel grateful to the Government. But even a fraction of the money spent under this head will not find an adequate return if this proposed reform remains unaccomplished.

"The administration of the Civil Justice also requires strengthening, and the large annual surpluses in the Court fee Revenue with a vigour and progressive growth of its own should, I venture to submit, be applied in part at least towards relieving congestion of the file where it exists, and in taking out the administration of Civil Justice in the comparatively backward places from the hands of the Executive Officers who, generally speaking, do not have a grip of the Civil Law.

"As an instance, I beg to refer to the administration of Civil Justice in the Sonthal Parganas. I had lately occasion to submit a few questions relating to this matter, drawing the attention of Government to the serious grievances of the people inhabiting the area and particularly of those whom trade and enterprise as well as the reputed healthiness of the locality have attracted to it. About two-thirds of the entire population of the Sonthal Parganas are of non-aboriginal origin, yet the system of administration of justice which obtains there is of such a primitive and paternal character that it hardly fails to cause abhorrence in the majority of its population. The preamble to the Regulation which constituted the Sonthal Parganas in the year 1855—only a year after the Sonthal insurrection—contains the following recital:—

'Whereas the General Regulations and Acts of Government now in force in the Presidency of Bengal are not adapted to the uncivilized race of people called Sonthals, and it is therefore expedient to remove from the operation of such laws the district called Damin-i-Koh and other districts inhabited principally by that tribe, &c.'

"The Sonthal Parganas of to-day, it will appear, are not the Sonthal Parganas of half a century ago, and I fail to see any reason why the Civil Law should not be administered in much the same way there as it is administered in any other part of Bengal. My questions, however, did not relate to any proposal for reform in the trial of suits below Rs. 1,000 in value, although reform is very much needed in these cases also, but they were confined to those above that limit, and suggested that in view of the hardships, delays and miscarriages of justice and in view of the fact that in the vast majority of cases the law administered in such instances is the ordinary law of the country and only

[*Babu Jogendra Nath Mukharji.*]

occasionally slightly admixtured with the Sonthal Law, a whole-time Subordinate Judge should be appointed for the Sonthal Parganas with powers, if need be, to visit every one of the head-quarters stations in the six sub-divisions of the Sonthal Parganas, or if that was impracticable, with powers to hold his sittings only at Dumka, Rajmahal and Deoghur, or at similar convenient head-quarters stations. My questions had the misfortune to be disallowed on the ground that they were in contravention of Rule 9 in the Bengal Council Manual. But whatever the technical objections might have been, the fact remains that the delays, unnecessary expenses and hardships from which the people of the locality suffer are very great indeed.

"The Sub-divisional Officers of the six subdivisions of the Sonthal Parganas who have all been vested with the powers of a Subordinate Judge, have to spend a large portion of their time generally in receiving and disposing of petitions, to pass orders as the Executive Heads of their sub-divisions, to hear criminal cases and do other work in connection with the administration of their sub-divisions, before they are in a position to take up civil cases. For want of time a Sub-Judge case there has to be postponed very often, and a well-contested Sub-Judge case is seldom heard by the Sub-divisional Officer unless it has been postponed a great many times. Further, owing to the fact that Pleaders in the Sonthal Parganas have no right to appear in any but the Sub-Judge cases, there are only a few of them practising in the whole area, and there are no Pleaders at all in some of the sub-divisions, while in others there is not more than a single Pleader. The parties have therefore to get Pleaders from Bhagalpur and other places at great expense and trouble, and this fact coupled with the frequent adjournments in the trial, prove ruinous to the litigants.

"Where in a Regulation District the trial of a contested Sub-Judge case takes only a few days to finish, its trial in the Sonthal Parganas takes months, if not years, and I know of cases which have taken only the moderate space of a decade to be heard and determined. We have no Charles Dickens to make fun of these things, so these Sub-Judge cases have been pursuing their slow and unobstrusive career. I wish, however, the troubles of the litigants ended here. These Sub-Judge cases are very often tried by the Sub-divisional Officers on tour and in the midst of jungles and on hillsides far away from human habitations, rendering it extremely difficult for litigants' Pleaders and witnesses to follow them about from place to place as also to find a shelter during the day or at night while attending them. The consequence very often is, that the litigants have to pay heavy fees to their Pleaders, and often owing to the worry to which they are subjected witnesses desert the parties. I would respectfully but strongly request Your Honour's attention and that of Your Honour's Government to these serious grievances which exist in the Sonthal Parganas.

"While on this question, I would beg leave to place one or two other points in connection with the administration of the Sonthal Parganas before Your Honour for consideration. One of them is, that lawyers are not allowed to appear and represent parties in either civil or criminal cases (excepting, as already stated, in the cases triable by a Subordinate Judge). But the Sonthal Law at the same time declares that such permission, as a rule, should not be given. This rule denies to the suitor what is considered as his birthright in every civilized country, and as I have stated about two-thirds of the entire population in that area are non-aboriginal. It is proper therefore that the Sonthal Laws and administration should be reformed by making them suitable for advanced communities or by exempting the non-aboriginal races from the operation of the Sonthal Laws, by declaring that in respect of transactions and suits between themselves (the vast majority of them are between non-aboriginal people) they are to be governed by the laws prevailing in the adjoining Regulation districts. Of course, the Paharias or hillmen of the Damin-i-Koh who are still in a very low scale of civilization, should still be governed by the special laws prevailing there.

"If the Government be not, however, willing either to reform the Sonthal Laws and administration so as to make them suitable for the civilized

communities living in the district, or to make the law a personal one, following in this respect the ancient precedent of the Regulating Act of 1773 and the more recent precedent of the Chota Nagpur Landlord and Tenant Procedure Act as regards Mundari rights, there are two other courses, so far as I can see, which the Government can safely adopt, *viz.*, either to include some of the outlying portions of the Sonthal Parganas in the adjoining Regulation districts, or to declare the laws prevailing in those districts to be in force in the Deoghur Sub-division which may still be retained as part of the Sonthal Parganas. The Government may be pleased also to inquire what other portions of the district can fitly be transferred to the Regulation districts. In this connection, the claims of the whole of the sub-division of Deoghur, excepting perhaps a small strip on the east, the western portion of the Godda Sub-division, and those portions of the sub-divisions of Rajmahal and Pakaur that lie to the east of the Loop Line of the East Indian Railway may be mentioned with a view to consideration by Government.

"I believe that the Sonthal population is sparse in these tracts and almost nil in portions of them. Deoghur with its population of 300,000 souls contains only 37,000 aboriginal inhabitants who live mostly in the eastern portion of the sub division. Ranchi, and portions of Hazaribagh, Manbhum and even Bankura contains, I believe, a higher percentage of aboriginal inhabitants than most parts of the Deoghur Sub-division. A major part of the western portion of the Godda Sub-division is included in Parganas Bhagalpur and Colgong, and while this tract is inhabited almost exclusively by non-aboriginal races, they have no marked difference from the adjoining portions of the district of Bhagalpur. The eastern portions of the Rajmahal and Pakur Sub-divisions are inhabited mostly by a population of well-to-do Muhammadan cultivators, largely immigrants from other districts profiting by the cultivation of jute and the sale of lac, while large slices of these parganas wherein these portions lie, are situated in the adjoining district of Murshidabad. If all these tracts, with the exception perhaps of some small bits in the south, were excluded from the Sonthal Parganas, there would still be left to that district (Sonthal Parganas) an area of about 4,000 square miles and a population of about one and-a-half million souls, which comprise more than the average area and population respectively of a Bengal district. It will be a wise step if the Government reforms the Sonthal Administration in any of the ways indicated above.

"Another defect in the Sonthal Administration which calls for reform is the system of making laws by means of circulars, letters and the like. The rules and circulars, moreover, which do duty for laws are meagre and insufficient, and in several instances against the principles of sound legislation. If the Sonthal Law is to be reformed, the machinery for making laws should not be left untouched.

"Sir, at first sight it might be taken as a relief by some of the Members of Your Honour's Council that the Army Estimates do not form the subject of their deliberations; but looking more deeply into the matter, one does not altogether feel sure that the Military does not live disguised in the ranks of the Police. Large grants have from time to time been made with the object of bringing about reform in the Police. Last year, the total amount allotted to the Police in the revised estimates was Rs. 68,80,000, the figures in the original estimate for that year being Rs. 63,67,000, and this year it is Rs. 71,00,000. It is also stated that there is an increase of Rs. 5,13,000, due chiefly to the re-organization of the department. We have no means of discovering from the Budget how much of this amount is proposed to be spent in maintaining the Military Police in each district.

"After all one is tempted to ask, is the strength of this branch of the Police Service maintained in deference to the great armaments kept up by the great Powers of the world or are they maintained with a view to meet the exigencies that may spring up in relation to a singularly peaceful population? If the latter be the case, it seems to me to be possible that considerable saving may be effected by reducing the Military Police in the country, and thus it

may be rendered possible for the Government to apply the savings to the improvement of Technical Education and Sanitation in the country.

"I find, Sir, that there is a saving of Rs. 8,25,000 under Civil Works in charge of Civil Officers, and the cause of the saving is chiefly ascribed to the non-utilization of a number of special grants. And, further, there is a saving of Rs. 6,28,000 under Civil Works in charge of the Public Works Department, owing to the abandonment or postponement of certain projects for which special provision was made at the time of framing the Budget.

"In this connection I beg to draw the attention of Your Honour's Government to the rule of the Government of India which requires that all articles of European manufacture above the value of Rs. 50 should be imported from England direct through the Secretary of State for India. In my experience I have found that this very objectionable rule not only causes in numerous instances a loss to the Government and therefore to the public, owing to the prices that have to be paid for such articles being dearer than if they were obtained in Calcutta, but that the time that is taken, between the sending out of a requisition from India and the arrival of the goods in India, is simply intolerable. I have seen buildings under construction by the Public Works Department which after it had its walls and woodwork, etc., completed and finished, standing roofless for months in expectation of the joists and T-irons for the roofing from England. It seems to me, Sir, that many of the delays and lapses in connection with public buildings and bridges are due to this cause, and I hope and trust that Your Honour will not find it difficult to move the Government of India with a view to bring a more reasonable rule into existence in place of the one now in force.

"I beg to offer my congratulations to Your Honour's Government for the allotment of Rs. 3,500 for the collection of Sanitary Statistics. I find there was no such allotment in the two preceding years, and therefore it may be concluded that this grant contemplates a departure from the practice now observed in the Sanitary Department of Government. The public would have felt still more gratified if they were allowed to know at the same time the objects towards which the efforts in connection with the collection of Sanitary Statistics are, in the first place, to be directed.

"Last year, the Hon'ble Mr. Inglis was pleased to observe in reply to my plea for sanitary improvement of the country at large, that he wondered why I should describe the Magra Hât Drainage Scheme as a comparatively small project, the scheme providing, as it does, for the drainage of 290 square miles of country at a cost of about 20 lakhs of rupees, and he wished to know what sort of drainage scheme would satisfy me on the score of extent and cost. Sir, the ideal which I should like to work up to is one that aims at the solution of the sanitary problems which exist in relation to the entire Province, and not in relation to any comparatively detached area, however important such questions may be from a local and detached point of view. I do not depreciate the value of such works of great utility, but I want a great deal more to be done.

"The drainage scheme of Calcutta, as for instance, is no doubt a very important thing in itself, so far as the sanitation of Calcutta is concerned, and the execution of a plan regarding drainage in respect of this great City may entail an expenditure of several crores of rupees; yet it will not in any way improve the general sanitation of the country, nor can the expenditure of several crores of rupees on Calcutta be pleaded as an excuse for neglecting the sanitation of rural areas. I am therefore thankful, even for the very small expenditure under the head of 'Collection of Sanitary Statistics,' because I hope and trust that this small grant will prove to be the first step towards the formation of a general and comprehensive scheme by which the Province of Bengal as a whole may be benefited.

"I recognize that it is not possible to transform insanitary Bengal by one stroke of the magician's wand. It is possible, however, to work out a comprehensive and systematic plan gradually and steadily. In this view of the matter

it is not difficult, for instance, to adopt a fixed line of action with reference to rail-roads and raised-roads in general, and the waterways to be kept free in connection with them. I regret to observe that the tendency to contract waterways is unfortunately so general and patent that one is led to infer that the services of the Sanitary Engineer are seldom, if ever, requisitioned in the construction of railways and embanked roads; but that, very often, the sole aim in such undertakings is the saving of cost, even at the risk of the railway or roadway being swept away during the floods, to be built again at a duplicated cost.

"Apart from the insanitary conditions which such a course brings about, the havoc caused by the back-water during the rains in areas traversed by a railway or raised roadway and going across the natural fall of the country, is incalculable. The recent floods in Darbhanga, North Bhagalpur and Purnea, as also the destruction pestilence and famine caused thereby, are still fresh in our minds. Speaking for myself, I believe that, so far as the south-eastern portion of the district of Purnea is concerned, the new Katihar-Godagari line now under construction is responsible for a great deal of our troubles of last year. I would respectfully ask Your Honour to consider whether, in the construction of railways and raised roads in general, Sanitary Engineers should not be associated with Civil Engineers. This is, however, only one out of a great many points which may be brought to light when more attention is paid to sanitary matters, but many of the questions about Sanitation are already before Government, and they are well worth its serious consideration. There is hardly any doubt that the sanitation of the districts in Bengal has been neglected.

"I am thankful to the Hon'ble Member in charge of the Local Self-Government Bill and to Your Honour's Government for the sympathy which has been extended to certain proposals which I have had the honour to make, and our special thanks are due to Your Honour personally for the announcement just made that steps will be taken for introducing measures for the improvement of sanitation in the Local Self-Government Act about to be amended. I hope the Government will pay to the question of Sanitation the attention that it justly deserves, and introduce efficient legislation in this connection. It is hardly necessary to point out that it is impossible to expect much substantial progress, agricultural, commercial or otherwise, in a nation more dead than alive with Malaria, and with its ranks thinned by thousands, owing to the prevalence of epidemics.

"Passing on to the allied subject of Famines, I must acknowledge our thanks to the Government of India for relieving this Government of the charges under this head, completely at least for the current year. Famines have now become chronic in this country, and every year, almost without a break, Government has to face this dreadful calamity in some province or other. It is necessary, therefore, that the central Government should have some means like the one organized by it, whereby it can deal with the evil directly and relieve the Local Governments as much as possible.

"While on the expenditure side, it is noticeable that there was no allotment under the head of 'Inspector of Mines' last year and none this year again; the public should like very much to know how and why such expenses have become unnecessary.

"The improvement of the Ministerial Service recently formed the subject of interpellation in this Council, and the Government was pleased to state in reply that the question was still under consideration. We do not know what the ultimate decision of Government in this matter will be. But the fact may be brought forward once again that, the high prices which have been continuing for some years past have rendered it extremely difficult for this poorly-paid but extremely useful class of public servants to make both ends meet. In any attempt to improve the administration of the country, it should be the first duty of the administrators to place its ministerial officers above all struggles for a mere living.

[*Babu Jogendra Nath Mukharji.*]

"Sir, this year has brought into existence some important measures of legislation, and the most important among them is the Bill to amend the Bengal Tenancy Act. One very important aspect of this Bill is the improvement which it has introduced in the procedure relating to the preparation of records-of-rights. I say that this part of the Tenancy Act is one of its most important features, because it authorizes the State to interfere in the private relations existing between landlord and tenant; and while working it, the State has very often to meet the possibility of bringing into existence strained relations and even disputes between landlord and tenant, where there was none before. The Settlement Officers charged with the duty of preparing the record-of-rights have, by the very nature of their operations, to wake up dormant claims, and by attempting to define that which was indefinite before, bring into existence a state of things which, under other circumstances, one could not but deprecate.

"The community has to put up with these difficulties and inconveniences, knowing as it does that the ultimate object of the Legislature in this matter is good—to take it through eddies and shoals and over bars into the calm sea beyond. But this rather difficult voyage requires that the man at the helm and the men at the oars should be all good men and true, able to pull long and to pull straight, and able to steer the boat through the dangers that lie in her course.

"I may be pardoned, therefore, if I venture to make one or two suggestions on certain points which have come to my notice in course of my experience—suggestions which appeal to dry men of business like myself; and I hope, therefore, that Hon'ble Members will bear with me when I make them. I venture to think that the officers engaged at all the stages of the record-making process should be well-picked, well-paid and experienced men. It will never do to say that if at the earlier stages of the process inexperienced and ill-paid officers are engaged, their errors and perversions may be rectified afterwards. For the sake of a little saving, therefore, Government should not lose sight of this all-important fact. It is impossible to my mind to eliminate all errors and misdoings by better treatment of the record at a later stage. Some of them at any rate will stick to the end.

"In the next place, it seems to me that the officers should not be either overworked or hurried. The attestation is an important stage in the process, yet, if I mistake not, originally about 1,000 plots had to be attested in a day. Now, though the figure has come down to about 800, yet, along with this work, certain others, such as inspection and testing of trijunction stones have to be done by the attestation officers. This inspection and testing is rather a difficult piece of work. It requires detailed knowledge and often takes time, and so practically the attestation officers are now where they were before.

"I have to refer to another matter which appears to me to be an anomaly. It is this, that a junior officer, sometimes even of very short standing, sits in judgment over a senior and well-tried attestation officer, in the decision of objections under section 103A of the Act. I do not propose to tire the patience of Hon'ble Members with any more details. Suffice it to say, that in a matter of such grave and far-reaching consequence, a rigorous selection of able and tried officers is necessary, that their work should be very carefully watched, and that everything should be done to encourage in them a spirit of absolute fairness and a thoroughly judicial frame of mind. It seems to me that the suggestions made above if adopted, will prove to be some of the principal means by which the suspicions ordinarily attaching to an Executive Officer when made to discharge judicial functions can be allayed, and by which confidence in the record-of-rights insured.

"I have detained Hon'ble Members more than I intended to do. I have done so, however, in the hope that there will be found some points at least in what I have said which may prove worthy of the attention of Your Honour's Government. I am under the belief that although what we non-official Members say, from our place in the Council, may not succeed in changing the

policy of Government in many matters, yet in matters of administrative detail our opinion, when based upon actual experience of men and events, carries some weight."

The Hon'ble MR. ALLEN said :—"I have only a very few remarks to make regarding some of the observations of my friend, the Hon'ble Babu Radha Charan Pal, who alone, of all the Hon'ble Members who have addressed the Council to-day, has referred to the affairs of the Corporation. The first two matters on which he has spoken, namely, the question of Court-fees payable on appeals to the Small Cause Court of Calcutta and the recent orders of the Government of India on the subject of Loans are already under the consideration of the Corporation, and I think it unnecessary to trouble this Council with them.

"I have, however, to take strong exception to the language which the Hon'ble Member has used regarding the Municipal Magistrate. I think, Sir, some of his observations are unfortunate and I regret that they should have been made. The Municipal Magistrate was appointed in 1901 for the reason that at that time when Municipal cases were tried by Presidency Magistrates, and to a very large extent by Honorary Magistrates also, the cases took so long to dispose of that the matter became a public scandal. It was for that reason and in order to facilitate the disposal of these cases, that one Stipendiary Magistrate was appointed to whom all these cases were made over. The appointment of the Municipal Magistrate has proved thoroughly satisfactory and the result has been an efficient and prompt disposal of these cases.

"One would imagine from what my hon'ble friend has said that the receipts of the Corporation from fines were very large and increasing. I am happy to inform the Council that such is not the case. Since 1902-03, these fines dropped from Rs. 66,000 to Rs. 52,000. This result has been attained by the education of the people in the requirements of the Municipal Law; they infringe the law much less frequently now because they know if they do so a prosecution will be instituted which will be effectively dealt with. I think that is a very satisfactory result of the working of the Court, and everybody connected with the Corporation will hope that these fines will go on decreasing. My hon'ble friend says that the people, rightly or wrongly, believe that they cannot expect in this Court that independent administration of justice which is the proud privilege of the meanest British subject. My friend knows perfectly well that as a matter of fact the people do obtain impartial and even-handed justice in the Municipal Magistrate's Court, and I think he would have been better occupied in removing any misconceptions which ignorant people may have formed as to the administration of justice in that Court, than in coming here and repeating gossip of this kind before Your Honour's Council. I think gentlemen of my hon'ble friend's position should disabuse the minds of the people of misconceptions of this character, and I may say that these misconceptions are probably caused to a large extent owing to loose statements made in the course of debates in the Corporation on this very subject, and I think it is very much to be deplored that such observations should have been repeated in this Council to-day.

"With regard to what my hon'ble friend has said as to Primary Education in Calcutta, although this is not perhaps the time of taking up the time of the Council with its consideration, I think there is a good deal to be said for his suggestion. From one point of view, at any rate, the Corporation may be regarded as the Cinderella of Calcutta, her two grown-up sisters—the Government of India and the Government of Bengal—performing all the showy functions and all the attractive duties of the administration of the City. They maintain, for instance, magnificent Hospitals, a University, Colleges, a Library, and also places of recreation, like the Zoological Gardens, the Maidan and so on, and it is certainly the case that a great many of these duties, if not all of them, would, in many English and Continental towns, be performed by the City Corporation. The Corporation of Calcutta,

however, sits at home like Cinderella, and does the dirty work of mending and cleaning the roads and drudgery of that kind. I think it is very likely that service on the Corporation might be more popular, if the duties were more attractive; and I would suggest for consideration as a good beginning that the duties of Government, in connection with Primary Education and Technical Education in the City might very well be made over to the Corporation; the Corporation being given a substantial grant to enable it to carry out these duties. I merely throw out this suggestion for the consideration of Your Honour's Government.

"On the subject of the District Committees, my friend has said that these District Committees are illegal. My friend is not a lawyer and neither am I. It is certainly incorrect to say that these District Committees have no legal existence; they have a legal existence, they were appointed under the law, and as a matter of fact they are now carrying out their duties under the law. It is quite true that the legality of these Committees has been questioned, but the matter has not yet pressed to an issue, and I am glad to see that my friend has borne testimony to the fact that these District Committees are doing good work, and I hope they will continue to do so."

The Hon'ble MR. COLLIN said:—"The Hon'ble Mr. Spink and the Hon'ble Babu Jogendra Nath Mukharji have asked for information as to the work of the Smoke Nuisance Commission, and, as President of this Commission, I will, with Your Honor's permission, briefly explain what has been done. The Commission was constituted in January, 1906, and the first thing necessary was to frame Rules under the Act, as the Act itself gives no powers for carrying out its objects. This is to be arranged for by rules, and when the Act was passed, it was understood that the work of framing them would have to be carefully scrutinized. It is true that there has been some delay in bringing out the rules, but for this the Commission is not responsible. As provided by the law, the rules were published for three months and public criticism was invited. The public, however, at first took no interest in the rules, and the time for considering them had to be extended to enable the Bengal Chamber of Commerce and other Local Bodies to submit their criticisms. The Draft Rules were, on the whole, favourably received, but some revision was found necessary to meet the wishes of the local Chambers. This has now been done, and it is hoped that they will be shortly published.

"In the meantime, the Commission has no powers to act effectively towards the abatement of the smoke-nuisances. The old Act is repealed, and the rules under the new Act have not been passed. The Commission, however, has not been idle. Two Inspectors have been at work since last April and, thanks to the cordial co-operation of the Mill owners, they have already effected considerable improvements. During the year they have made nearly 4,000 observations of smoke emission from chimneys, and over 1,600 inspections of furnaces. In 350 cases they have tested the appliances for stoking, and on their advice, mechanical stoking arrangements and smoke preventive appliances have been introduced in 71 Mills. In 14 Mills, the chimneys have been lengthened. The general result of the year's work is that, whereas in April, 1906, black smoke was, on a general average, emitted for nearly 13 minutes per hour, the time has now been reduced to $3\frac{1}{2}$ minutes.

"The Hon'ble Mr. Spink has suggested that the attention of the Inspectors has been specially devoted to the smaller industries. It is true that in the Oil-mill districts, whereas in April last 8 tons of black smoke was daily discharged into the air, at the present time there is a discharge of 2 tons only. But the Howrah Mills have not been neglected. I have before me a diagram prepared by the Inspector for the Howrah district, and it shows that in the first quarter of last year black smoke was, on an average, emitted for 14 minutes per hour; while in the last quarter, the emission lasted $4\frac{1}{2}$ minutes only.

"As I have said before, the Commission has been working without the necessary powers which the rules will give them. It has not been possible

to deal effectively with some of the worst offenders, and the absence of improvement in certain Mills may give an erroneous impression of the work of the Commission. Good results, however, have been attained, and this is largely due to the courtesy and co-operation of Mill owners, who have, in a large number of cases, gladly accepted the advice of the Inspectors employed by the Commission. I would specially acknowledge the services of Mr. D. Ferrier, Manager of the Lower Hooghly Jute Mills, and Mr. E. Dewar of the Baranagar Jute Mills.

"The Hon'ble Babu Radha Charan Pal has suggested that Diamond Harbour could be converted into a Sea-side Health Resort. This place, with its Railway communication and fine frontage on the Hooghly, is particularly favourable for the purpose. I have already discussed the subject with the Hon'ble Member, and am in consultation with the Magistrate of the 24-Parganas regarding the erection of a Dâk Bungalow there. If this experiment succeeds, a scheme for the provision of building-sites will be considered.

"I was glad to hear the reference made by the Hon'ble Member to the settlement at Frasergunge, and I desire to emphasize the great advantages of this place as a Sea-side Health Resort. This Settlement is situated on the sea face, and it is in every way suited for the objects so eloquently put forward by the Hon'ble Member. Government has already done much for its improvement, and all who have visited Frasergunge are loud in its praises. Land is available there for building-sites on very favourable terms, and I would urge the Hon'ble Member and others to make early applications.

"Before I sit down, I would ask Your Honour's permission to thank Your Honour's Government on behalf of the people of the Presidency Division for the liberal help which has, in recent years, been extended to it for the execution of Drainage Works and Schemes of Water-supply. During the last two years large sums, in addition to loans, have been given to a number of Municipalities for drainage and water-works, and applications for help always receive sympathetic consideration from Your Honour's Government. The Budget for the current year contains a provision of over 7½ lakhs for contribution to Municipalities, and it should be the business of the Local Bodies of the Division to secure a large share of the grant by the preparation of well-considered schemes.

"I would also refer to the help which has been given to Districts. A scheme for draining the water-logged area of the 24-Parganas is being carried out with the help of a grant of five lakhs from Government. The work already done was most beneficial to the crops of last year. Help is also promised to a Drainage Scheme in the Jessore District, and a large sum was recently expended in improving water-communication in Khulna. During the recent cold season an important Commission have been inquiring into the causes of Malaria in the Division, and their inquiries cannot fail to produce good results.

"I desire, therefore, to thank Your Honour for the help given to the Presidency Division."

The Hon'ble MR. GAIT said:—"I have undertaken to reply to the remarks made by Hon'ble Members regarding the Judicial and General Departments which were, until quite recently, in charge of Mr. T. W. Richardson. I have had very little time to study the questions dealt with; and I hope, therefore, that I may be pardoned for any shortcomings.

"The Hon'ble Mr. Spink has referred to the growing income from Jail Manufactures and to the competition of Jail Industries with private enterprise. This matter is engaging the attention of Government, and the opinions recently received from the Associations that represent the persons most interested are now under consideration. The question is a complicated one, and a final decision has not yet been reached. But I can assure the Hon'ble Member that every effort will be made to ensure that private traders shall not suffer unfairly, owing to the competition of convict labour.

[*Mr. Gait.*]

"Meanwhile, I may explain that of the receipts from articles manufactured in Jails, nearly four-fifths are on account of articles supplied to other Jails and to various departments of Government; and that a considerable part of the remaining one-fifth is on account of chaukidari uniforms, quinine sold at post-offices and articles supplied to District Boards and Municipalities. The value of articles sold to the general public is very small, and probably does not exceed two lakhs.

"The Hon'ble the Nawab Bahadur of Murshidabad has been pleased to express his approval of the provision for the construction of residences for Munsifs. It is hoped that in time these officers will all be properly housed, especially those serving in the more unhealthy parts of the Province. In this connection, I would invite attention to the allotments of Rs 75,000 for the Civil Court building and Record-room of the new Judgeship of Darbhanga, and of Rs. 61,000 for the Civil Courts at Jessore. The question of providing a separate Judgeship for Khulna is now under the consideration of Government.

"The Hon'ble Babu Radha Charan Pal takes exception to the appointment of a Fourth Presidency Magistrate on the ground that it will tend to deprive the Honorary Magistrates of their legitimate share in the administration of justice. Government is fully aware of the excellent services rendered by these public-spirited gentlemen, and it is desired to employ them as much as possible in the disposal of simple cases, which can be finished at one or two hearings. On the other hand, it is not fair to ask them to spare from their private concerns the time needed to deal with highly contested or complicated cases, in which there must be several adjournments. Experience has shown that it is best for all concerned that cases of this kind should be heard by whole-time stipendiary Magistrates. The need for a fourth such Magistrate is very great. In September last, the work of the Police Court had become so congested that a Fourth Magistrate was appointed as a temporary measure. The Government of India have been asked to sanction his appointment for a further period of six months, pending a final decision on the question of making the appointment a permanent one. This course has been recommended by the two Hon'ble Judges of the High Court, who recently made an inspection of the Police Courts. The necessity for taking some such step for keeping the work up to date has also been indicated in communications received from the Bengal Chamber of Commerce and from the Pleaders practising in the Police Courts.

"The Hon'ble Babu Jogendra Nath Mukharji has referred at length to the system of the administration of justice in the Sonthal Parganas. The Hon'ble Member is perhaps not aware that the subject is under the consideration of Government and that the Commissioner of Bhagalpur will shortly submit a full report on the subject. Pending receipt of that report, it would be premature to make any definite pronouncement. I may notice, however, that the portion of the Hon'ble Member's argument which refers to the alleged delays in the Courts of the Sub-divisional Officers who try Sub-Judge suits is based on a misapprehension. The Hon'ble Member says that suits, which in Regulation districts take only a few days to try, take months or years to finish in the Sonthal Parganas. The Civil Administration Reports for the last three years, however, show that, in the Sonthal Parganas, Sub-Judge suits lasted, on an average, for only a little more than five months, whereas in the Regulation districts their average duration was more than eleven months.

"The Hon'ble Mr. Bertram asks that more active steps may be taken to secure the destruction of man-eating tigers. To avoid delay in the offer of rewards, Commissioners of Divisions were empowered two years ago to offer rewards up to a limit of Rs. 500, without reference to Government. The Deputy Commissioner and Divisional Forest Officer of Singhbhum have also been empowered, of their own motion, to grant rewards up to Rs. 100. Unfortunately, the destruction of a man-eating tiger is not such a simple matter as it may seem to the Hon'ble Member. These animals are peculiarly

cunning, and they wander over a large tract of country. The Koderma tiger was not killed until some months after the maximum reward had been proclaimed; and, at the present time, another of these brutes is still wandering at large, in spite of the numerous efforts which have been made to earn the price put upon his head.

"I now turn to the most important subject of all—Education. The Hon'ble Babu Kali Pada Ghosh criticizes the increased expenditure on the directing and inspecting staff of the Education Department, and suggests that the staff has gained at the expense of objects worthier of State support, such as the University and Government Schools. I wholly disagree with this view. The grants made by Government for Educational purposes have increased considerably during the last few years; and it is obviously necessary, if these sums are to be well and wisely spent, that there should be an adequate directing and supervising staff. The increase under the head 'Direction,' referred to by the Hon'ble Member, is due to the appointment in the year 1902-03 of an Assistant Director. The work in the Education Department has, however, become so onerous that a further addition to the directing staff is urgently needed. I trust that the time is not far off when a special officer will be appointed to supervise Technical and Industrial Schools. The Hon'ble Member is mistaken in his figures regarding the expenditure under the head 'Inspection.' The expenditure under this head in the undivided Province was Rs. 3,58,000, and not Rs. 2,57,000. The latter figure represents the expenditure in 1901-02, in respect of the Province as now constituted. The subsequent increase to Rs. 4,78,000 is not due, as the Hon'ble Member seems to think, to the appointment of an additional staff, but to the taking over of the Sub-Inspectors serving under the District Boards. It will be seen that there is a corresponding decrease under the head 'Local.' Fresh appointments to the inspecting staff are now being made in accordance with the scheme sanctioned by the Secretary of State; and in this direction there will be a large increase of expenditure during the year 1907-08. As already stated, the first step, if any real progress is to be made, is to have an adequate and efficient inspecting staff.

"The Hon'ble Member complains that all sums paid to Primary Schools and Secondary Schools are lumped together against the head 'Grants-in-aid.' In future the amounts will be shown separately for each class of schools. Another complaint is that Secondary Education is being disregarded in favour of Primary Education. There is no foundation for this suggestion. Special efforts are being made to foster the spread of Primary Education, but this does not mean that the claims of Secondary Education are overlooked. Steps are being taken, wherever possible, to increase the grants to high and middle schools. The Hon'ble Member is mistaken in thinking that such grants are being 'unsparingly reduced.'

"The Hon'ble Babu Jogendra Chandra Ghose, dissenting apparently from the views expressed by the Hon'ble Babu Kali Pada Ghosh, complains that Primary Education has been neglected. It is true that the additional grant sanctioned for the current year was not fully spent. This, however, was due to causes which will not recur; and even this year there has been progress. The number of Primary Schools for boys increased during the year by 1 *per cent.*, and the number of pupils attending them by 2 *per cent.*; while in the case of girls the total number of schools of all kinds increased by 12 *per cent.*, and that of pupils by 10 *per cent.* I bring these latter figures to the notice of the Hon'ble Babu Bhupendra Nath Basu, with reference to his remarks on Female Education. We admit the magnitude of the task before us, out we claim that steady progress is being made towards the desired goal.

"I cannot understand the objections to the training of *gurus*, put forward by the Hon'ble Babu Jogendra Chandra Ghose. Surely this is one of the most necessary reforms with which the Education Department is concerned; and I am glad to see that the action taken in this direction meets with the full approval of the Hon'ble Nawab Bahadur of Murshidabad. The

[*Mr. Gait.*]

Hon'ble Member also seems to take exception to the proposal to train female teachers, and to argue that Middle Vernacular Schools can be started with male teachers. The middle standard, however, takes pupils up to the age of 14, and I am not yet convinced that it is possible for girls of this age to study under male teachers.

"I am glad to learn from the Hon'ble Babu Bhupendra Nath Basu and the Hon'ble Babu Radha Charan Pal that the contemplated grant of Free Primary Education is a measure that has given general satisfaction. When the time comes, the suggestion that any assignment of funds due to Calcutta should be made over to the Corporation will receive due consideration. It is satisfactory to learn from the Hon'ble Nawab Bahadur of Murshidabad that the provision for *maktabs* has met with the approval of the Muhammadan community.

"The subject of Technical Education has been adverted to by several Hon'ble Members, and in particular by the Hon'ble Babu Radha Charan Pal and the Hon'ble Babu Bhupendra Nath Basu. The question was fully considered last year at a Conference presided over by Mr. Oldham, Director of Agriculture. The conclusion arrived at was, that the best plan would be to provide further facilities for instruction at the Sibpur Engineering College, and steps have already been taken to carry out this recommendation. A special Educational Officer has recently been appointed to hold industrial chemistry classes there.

"It is, however, a very difficult matter to provide for all the different kinds of technical training at one single educational centre. What is needed is a number of separate Technical Institutions in the places where the industries connected with them are carried on. It is for this reason that the weaving school will be established at Serampore, which may be regarded as the head-quarters of the weaving industry. I understand that the Director of Public Instruction intends shortly to address Government with a view to further action in the direction of developing Technical Education. The first step would possibly be to place some one on special duty to make a general study of the industrial position and possibilities, to collect information regarding the various industries, and to endeavour to ascertain the causes of their rise or decline, and so pave the way for the establishment of the requisite technical schools.

"Several Hon'ble Members have urged that the grant of Rs. 35,000 for Technical Education is far too small. This sum, however, only represents the grant to the weaving school at Serampore There are numerous other items of expenditure on Technical Education which are entered in the Budget, such as those for the Civil Engineering College at Sibpur and the Bihar School of Engineering at Patna. I may add, with reference to the Hon'ble Babu Jogendra Nath Mukharji's remarks, that Rs. 63,000 has already been spent on the acquisition of land for the weaving school at Serampore, that buildings have been hired, and that the project will be in full swing as soon as the Principal and his Assistant arrive from England. It was not considered advisable to spend money on the erection of buildings, until expert advise was available. The allotment of Rs. 35,000 in the Budget for the coming year is to meet the recurring expenditure.

"I now turn to the remarks made by the Hon'ble Babu Bhupendra Nath Basu, other than those with which I have already dealt in connection with the speeches of other Hon'ble Members. The Hon'ble Member has quoted statistics to show how small a sum is spent on Education in India, as compared with European countries. I am unable, on the spur of the moment, to follow him through all his figures, or to examine them in all their bearings. It is, however, obvious that the expenditure must depend on the income available; and it is quite clear that the Government of India cannot rival Switzerland in spending more than Rs. 9 per head of the population on Education, when its total revenue from all sources is not much more than Rs. 4. I would add that the expenditure on Education shown in our Budget is only

direct expenditure from Provincial Funds. It does not include the expenditure incurred by District Boards and Municipalities. The point of view from which this question should be regarded is the proportion of the total revenue which is devoted to Education in India, as compared with European countries. Even then, the comparison is vitiated by the varying educational needs of the two communities, owing to the different stages of industrial development reached by them.

"The Hon'ble Member, while thanking Government for the Re-organization Scheme, complains that it does not afford adequate relief. It is admitted that the scheme, though it involved an additional expenditure of nearly two lakhs a year, was not all that could be wished. It was impossible at the time to do more, owing to financial considerations. It cannot be gainsaid, however, that the measures already taken represent a substantial step in advance. I have recently stated, in reply to a question put by the Hon'ble Babu Kali Pada Ghosh, that the question of the re-organization of the Lower Subordinate Educational Service will be considered in connection with the letter of the Government of India regarding Secondary Education. I may add that the first favourable opportunity will be taken for considering further improvements in the Provincial and Subordinate Educational Services. As regards the relative position of the Indian and Provincial Educational Services, I am unable to make any definite pronouncement at present. I may say, however, that Government hopes shortly to have an opportunity of considering the question raised by the Hon'ble Member, and that, if that opportunity occurs, his remarks will receive careful and sympathetic attention.

"The Hon'ble Member refers to the small pay given to *gurus* in Primary Schools. I am well aware that the pay of these men is not what it should be. It must, however, be remembered that the great majority of them are not Government or District Boards' servants, but that they are employed in aided or unaided schools. Their remuneration depends on circumstances over which Government has no control. Another reason why they are paid at such low rates is, that their educational equipment is extremely modest. Steps are now being taken to train *gurus*, and there is no doubt that the trained men will secure a higher rate of pay.

"The Hon'ble Member complains of the smallness of the grant of Rs. 46,000 for the improvement of the Presidency College. The grant is admittedly small, but it is impossible for the Director of Public Instruction to submit schemes of improvement until the question of removal is settled. On this point, many interests have had to be considered and numerous persons have been consulted. It is hoped, however, that a final decision will soon be arrived at.

"The Director of Public Instruction will be requested to consider the Hon'ble Member's remarks regarding the Hindu and Hare Schools. The accommodation at the Hindu School is insufficient, but it is not certain that this is the case at the Hare School. The want of play-grounds is of course felt, but this is not a matter which admits of solution at the present time. No application has hitherto been put forward for a new school in the south of Calcutta. I cannot agree with the objections taken by the Hon'ble Member to the removal of the Sibpur College to a place distant from an industrial centre. It is not necessary or desirable that a College which imparts advanced technical education should be at the head-quarters of any particular industry. The primary function of the Sibpur College is to provide higher technical training in Civil, Mechanical, Electrical and Mining Engineering, and to supply Experts and Teachers for the use of the leading industries of the country. No one centre can be selected which will be equally in touch with all the industries; and, as I have explained above, no one institution will supply all the various kinds of training for the different industries. For this purpose it is necessary that separate technical institutions should be established, as opportunity arises, in the districts in which large industries prevail.

"The Hon'ble Member has referred to the delay which has occurred in bringing into effect the scheme for providing a training college for teachers.

The delay is due to the fact that Mr. Varley, who was brought to inaugurate this scheme, strongly disapproved of the manner in which it had been drawn up. A fresh scheme has now been elaborated by him in consultation with the Director of Public Instruction, and it is hoped that this will be sanctioned without much further delay. Meanwhile, Mr. Varley will be employed in inspecting Secondary Schools on behalf of the University; one of his assistants will be employed as Inspector of Schools in the Patna Division and another to assist the Head Master of the Patna Collegiate School. The remaining one will assist the Head Master of the Hindu and Hare Schools. I am glad to be able to inform the Hon'ble Member that Government has fulfilled the promise made last year to restore the number and value of the senior and junior scholarships to the amounts at which they previously stood. I am also happy to be able to state that Government will provide funds to make up the deficit in the private contributions towards the Calcutta Women's Training College Scheme."

The Hon'ble MR. INGLIS said:—"I desire to notice some suggestions, to afford some information which has been asked for, and to meet some criticisms which have fallen from Hon'ble Members in the course of this debate, regarding the Department of Public Works and the Marine Department which I have the honour to represent.

"The Hon'ble Mr. Bertram has stated in connection with the Hospital Port Dues Fund that complaints have been made by the Shipping that European sailors cannot get accommodation readily at the Presidency General Hospital, and he has suggested that the balance at the credit of the Fund might be utilized to build a separate block for the use of Seamen, which should also subsequently be maintained from the Fund.

"No specific complaints in this matter have been preferred to Government by those directly interested, but the Chamber of Commerce at the end of November last made a similar general complaint. On a reference to the Inspector-General of Civil Hospitals, that Officer replied that it was only in rare instances that there was a difficulty in admitting European sailors at the Presidency General Hospital when there were no vacant beds, and that no difficulty was experienced at the other Hospitals. This was intimated to the Chamber in a letter of the 4th of March, and at the same time the Chamber was furnished with a statement of the number of seamen treated at the various hospitals and of the payments to the hospitals from the Fund on their account; while it does not appear that there is any serious difficulty in meeting the present requirements of the Shipping, the suggestion that a separate block or ward should be built and maintained from the Fund is certainly one deserving of the fullest consideration which will be given to it.

"The Hon'ble Member also says that he understands that the Mayo Hospital gets no grant from the Fund, and he suggests that the Port Act be amended, so that hospitals treating sick lascars may be assisted from the Fund. The Hon'ble Member appears to be under some misapprehension, and he has not perhaps made a reference to the Act. As a matter of fact, the word 'seaman' as used in the Act is in no way restricted to European seamen, and there is nothing in the way of grants being given to hospitals for the treatment of lascars. In the year 1905-06, Rs. 32 were paid to the Mayo Hospital; and as in all cases payment is made not as a fixed grant but as an allowance per man treated, this would indicate that at present not many lascars make use of that hospital.

"As regards the investment of the balance at credit of this Fund, I may say that this is being arranged for, and it is proposed at present to vest Rs. 1,75,000.

"The rate of the due was reduced last April, and it is intended that in future the income shall not be materially greater than the normal outlay. The accounts for the year 1906-07 are not yet complete, but as far as believed

they would seem to indicate that some further reduction in the rate of due m be possible.

"The Hon'ble Mr. Bertram has alluded to the periodical withdrawal of t Steam Pilot-vessel, the *Fraser*, from the Sandheads, and has stated that th causes great inconvenience to the Shipping. Now I wish to point out that was never contemplated that the *Fraser* should be employed alone as a Pilo vessel. A steam-vessel is required mainly during the Monsoon, when there is risk of a sailing-vessel being driven off the station by bad weather. In fi weather, the vessels are supplied with Pilots just as easily from one of t sailing-brigs as from the steam-vessel. The authorities of the Dockyard, who a the responsible Advisers of Government in matters relating to the repair tho steam-vessel, consider it necessary that as far as possible it should n remain at the Sandheads for more than six to eight weeks, according to weathe without coming up for coaling and for petty repairs, which occupy usuall a period of about half a month. One item alone which requires regular atte tion is the painting of the surface of the hull at the water line, which fro the constant boat work is specially liable to injury. The visits to town a necessary both for efficiency and for economy.

"The fact that the steam-vessel can be used for wireless telegraphy is a incident and it is not the reason for which the vessel was obtained. It no doubt a pity that it is not practicable to fit one of the sailing-brigs wit a wireless installation, but after all the trade of Calcutta appears to hav got on very well in the past without this adjunct.

"The Hon'ble Mr. Spink asks that Government will take steps to impro the Water-ways of Bengal, and he suggests that a larger expenditure o these might help to facilitate trade and to reduce the prices of raw materia and food-stuffs. I think that the Hon'ble Member has not perhaps realize what a large trado there is at present on the water-ways. I would refe him to the Annual Reports on the trade carried by Rail and River i Bengal, compiled by the Director-General of Commercial Intelligenc In this Report, there is an immense amount of information on the subject of th transport of goods. In Tables VI and VII, are given the figures for th various articles imported into and exported from the Calcutta trade bloc by the various methods of carriage. If the Hon'ble Member will refer t these, he will see what a large share of the total trade is now carried along th water-ways by boat and by inland-steamers. As a matter of fact, I believ that the water-districts have very good communications. I do not say tha they are not capable of improvement, and as a matter of fact the questio of such improvement is receiving attention; but I think there are very fe places now left in Bengal, and certainly none in the Eastern District where the price of raw materials or of food-stuffs remains at a low level fo want of communications with a larger market.

"The Hon'ble Mr. Bertram urges the importance of the proposed Cana between the Bidyadhari and the Hooghly, known as the Tolly's Nullah Scheme. As I said at this time last year, it is a matter of £ *s. d.* Th Government of India will not give any favour to the scheme unless it can b shown that it will pay its way; that is, that it will earn at least 4 *per cent* on its capital outlay, after paying working expenses. We have not been abl to do this yet. But we will try again. The Hon'ble Member has quoted from a speech of the Chairman of the India General Navigation and Railway Com pany. It is only natural that a Carrying Company should wish the publi revenues to be expended on schemes which would benefit itself, whatever the result might be to the tax-payer. But this raises a general question o policy, which is beyond the range of this Council.

"The Hon'ble Member suggests that the Local Government should raise its own Loans. Such a procedure, as Agent for the Government of India, is already provided for in the Regulations of the Government of India, which are generally known as the Public Works Code; but if this were put in practice, it would not in any way affect the subordination of the Local Government,

[*Mr. Inglis.*]

For all projects of whatever nature likely to cost more than 10 lakhs for works only or 12½ lakhs for all charges, the sanction of the Secretary of State is required before the project can be taken up. And it is here and not in the particular method of raising funds, that the control is exercised. As regards the present state of Tolly's Nullah, it is certainly bad; but I do not know that it is worse than it has been any time in the last 50 years. In 1883, Mr. Buckley, when reporting on an earlier scheme of canalizing the Nullah, wrote:—

'Experience has shown that any improvement to the Nullah is almost entirely a waste of money; if the bed is deepened it silts up again in a few months to its normal section, and it deteriorates very slowly, if at all, after it has done so. The Nullah has been a navigable stream for more than 100 years; but if the bed in the most shallow part be deepened three feet, it will fill up again in six months.'

"The recent experience is an exact confirmation of this. Last year we closed the Nullah, and spent about Rs. 36,000 in deepening the bed at the shallowest part; and within a very short time it was just as bad as before. Nothing but making it a locked Canal, like that at Chitpur, would do good; while the cost of this has been held to be out of proportion to the volume of traffic.

"The Hon'ble Mr. Bertram also suggests canalizing the Damuda River, by which I understand he means providing the river itself with weirs and locks, as has been done on the Thames and on several of the rivers in France. The cost of doing this would be enormous, and it is altogether out of the question. The Damuda is a large river when in flood, to which a river such as the Thames is a mere trout-stream. As far back as 1866, a project was considered for a Canal from the Damuda near Raniganj to lock into the Hooghly at Serampore, with the object of conveying coal. Detailed plans and estimates were prepared for such a Canal which was also to supply water for irrigation. It was, however, held that there was no prospect of the scheme being a success financially, and it was therefore dropped. Colonel Strachey wrote then on behalf of the Government of India, what is equally true now. He said:—

'With regard to the coal traffic, it must be recollected that the rail in every case can be carried to the pit's mouth. In the case of the Canal on the other hand there must be land carriage from the pit's mouth to the bank, and transhipment is therefore inevitable.'

"The Hon'ble Mr. Bertram asks that the Eastern Bengal State Railway may be pressed to provide better facilities for Fish traffic. The Hon'ble Member is doubtless aware the Bengal Government does not control or intervene in the working of the Railway. The Manager of the Railway has, however, favoured me with some information on the subject. In 1903, it was decided, in consultation with the Agents of the Linde Refrigerating Company, that refrigeration vans were not suitable, but that the fish traffic could be carried more conveniently and safely packed in ice and in ventilated wagons. A low wagon rate for ice was introduced in January, 1904, and ten properly ventilated fish-wagons were placed in the line in the half-year ending December, 1906.

"The Hon'ble Member has asked that the marbles, brasses and historical tombs in St. John's Church may be renovated by Government. I am informed that these are at present held to be private property; but that it is under consideration to bring those of importance or interest on the register of Historical Monuments which are maintained from the public revenues.

"The Hon'ble Babu Jogendra Chandra Ghose has drawn adverse attention to the fact that a sum of Rs. 75,000, which was provided in last year's Budget, for a navigation scheme on the Bhairab River at Jessore has not been utilized. I may explain for the information of the Hon'ble Member that it was found that the scheme, the object of which was to deepen the river in the interests of navigation, would cost not less than four lakhs; while it would be of small value. The Bhairab is at present navigable up to Singhia, about 10 miles below Jessore, where there is a direct connection with the Railway. The scheme was not one to improve drainage, and the fact that it has been

decided not to go on with it, in no way affects the scheme which is under the consideration of the District Board, for the drainage into the Bhairab of certain *bheels* in the vicinity of Jessore town.

"The Hon'ble Member suggests that the charge for the establishment of the Public Works Department employed on Civil Works, and which in the present Budget he shows to be equivalent to 14 *per cent.* on the outlay on works, is excessive. He has not given any reasons for his belief that the establishment might be reduced. However, I may say that a rate of 14 *per cent.* for all charges, direction and account as well as executive, is a very low one. We obtain from the Government of India a rate of 23 *per cent.* on outlay on Imperial Works, and this is the rate which has to be provided in all schemes for Productive Works. As lately as 1903, the Government of India reviewed this charge and adhered to the rate as being generally fair. So far as figures are an indication, they indicate that our present establishment is too small for the work to be done and not too large.

"The Hon'ble Member also draws attention to the reduction in the tollage receipts from the Nadia Rivers. He has perhaps omitted to read the note in the margin in the Financial Statement, page 23, which explains that the reduction in tolls is due to a reduction in the rate of tolls, and to the bad rice-crop in certain districts which caused a diversion of traffic. It had nothing to do with the state of the channels.

"The Hon'ble Babu Jogendra Nath Mukharji takes exception to the orders of the Government of India, which regulate the purchase in this country of stores of European Manufacture. This is of course not a matter in which the Local Government has any jurisdiction, but I may perhaps explain, for the information of the Hon'ble Member, what the present conditions really are, as he appears to be under some misapprehension. Under the present rules, which have been in force since July, 1904, an Executive Engineer can use his discretion within a limit of Rs. 200 for individual articles. A Superintending Engineer can authorize purchase in this country up to a limit of Rs. 1,000, and a Local Government can authorize purchase in this country without any limit as to amount. That this discretionary power is made use of, the following figures will show. In 1905-06, European stores to the value of Rs. 2,53,595 were purchased in this Province, and in 1906-07 the purchases amounted to Rs. 3,62,500 approximately.

"It is of course as a rule preferable to get such stores by indent from England, because they then cost less and there is a wider market to draw from. On the other hand, it is often not convenient to wait, and it is necessary to purchase in this country. It is a matter in which discretion is required, and in which it is used. It cannot be said that there is anything to complain of in the rules as they now stand.

"The Hon'ble Babu Radha Charan Pal has drawn a sad picture of the ill-doings of the Port Commissioners with respect to a part of the riverside lands. I think that what he describes as apparent ruin is really the temporary dislocation due to advancing commerce, and I hope it will be soon remedied. I may, however, point out to the Hon'ble Member that not very long ago he was himself a Port Commissioner, and as the state of affairs he has so vividly pictured can hardly have arisen in a day, I am sure he is willing to receive himself the censure he wishes conveyed to those who were lately his fellow Commissioners, for their default.

"The Hon'ble Nawab Bahadur of Murshidabad has asked that something should be done to improve the volume of water in the Bhagirathi River as a source of water-supply for drinking. So far as my present information goes, although there is not sufficient depth of water in the Bhagirathi for navigation during the dry season, there is no lack of water in the river to meet the requirements of the people on its banks for drinking or for watering cattle. If, however, it is the case that the supply is really deficient in this respect, it

would not be a very expensive matter to increase it as we have done in the present season for the Bairab-Jellinghee, by dredging at the intake from the Ganges.

"The Hon'ble Mr. Spink has asked for some information with respect to the addition which is being made to the buildings of the High Court. The present addition provides a waiting-room for the Jury; it also provides separate waiting-rooms for ladies and gentlemen, both Indian and European; but it has not been found practicable within the space available to provide refreshment-rooms.

"Now, Sir, I desire with your permission to say something on a subject which is rather of the nature of a perennial than an annual in this Council—I mean the connection between obstructed or defective Drainage and Malarial Fever. It is a large and complex question, and I wish it to be understood that in the remarks I am about to make, I am expressing my personal views and that these are not necessarily the views of Government. I have, however, been recently engaged as a Member of a Committee on an inquiry into the matter in the districts of the Presidency Division, and it may be of some interest if I state very briefly the conclusions that we have arrived at.

"This is not the place, nor have I the knowledge required, for a dissertation on the cause of Malaria. I speak subject to correction, but, as I understand, Medical Science is at present unable to say anything definite about the original source of the germs which cause the sickness. What is known is, that the germs are communicated from man to man through the agency of a certain variety of mosquito. The mosquito for its development requires moisture in some form, either in the form of water or in damp soil and undergrowth. It would seem then clear that drainage, so far as it will deprive mosquitos of their breeding-grounds, must be beneficial.

"It is, however, of great importance to know what we really mean when we talk of drainage and of obstructed drainage. I think from what Hon'ble Members have said to-day and from what has been said on former occasions in this room, that there is a somewhat general impression that it is desirable to restore to their former state, as flowing effluents of the Ganges, those channels which have by the operation of natural causes ceased to distribute its waters to the part of the delta in which they are situated. There appears also still to be an impression, which is perhaps less general, that the banks of roads and railways have caused and are causing some general obstruction to the drainage.

"As regards the former of those ideas, it is I daresay the case that if the operations of nature could be altered it would do good to one part, though in all probability at the expense of another. However, for practical purposes it must, I think, be accepted that it is not possible to fight with nature in this matter, and that what is necessary is to try to improve the existing conditions. I would also just point out that drainage means drawing water off land and not bringing water on to land, which is what it is desired to do in restoring the dead rivers. Then as regards the Roads and Railways. There may of course be places where small areas are affected by the want of sufficient water-way and which can be remedied if brought to notice; but there does not appear to be anything to show that there is any serious obstruction from this cause.

"The serious obstructions appear to be due to two chief causes,—*first*, the pits and holes in and about the sites of villages; and, *second*, the cultivation of the winter rice. The former provides the best of breeding grounds for mosquitos; while the latter, which requires the holding up of the water close to the villages up to the middle of November, supplies more mosquitos and aids in keeping the village damp. Another factor which in the eyes of the Medical Officers is a very large factor is, the dense undergrowth which there is in so many villages. I am very glad to see that the Hon'ble Nawab Bahadur of Murshidabad has spoken so clearly about his matter, because it seems to be of the greatest importance.

[*Mr. Inglis.*]

"There is a large extent of swamp-land in the *bheels*, which undoubtedly is prejudicial both to cultivation and to health; but as regards the latter, it does not appear to be of such great importance as the obstructions in and immediately around the village sites. We are beginning to know something about the conditions under which the fever is most prevalent; but there is probably still much to learn. One thing that strikes me as interesting is this. In Orissa, which is a country growing almost nothing but rice, there is comparatively little malarial fever. The recorded ratio of mortality from fever in the Orissa Division, as a whole, is much less than in any other part of the Province. I think it is well deserving of inquiry whether there are reasons to be found which can explain the difference.

"Now although the lands in the delta of the Ganges are necessarily low, there is still no physical difficulty in draining them, that is in drawing off the water from them. I suppose there is no part much worse than that on which the town of Calcutta stands, and one has only to look at the Maidan to see what can be done.

"On the other hand, as this would imply the abandonment of the cultivation of winter rice near all village sites, it may be said that this is quite impracticable. I said last year that judging from the experience in Italy on this question, I thought it would be found impracticable in India to restrict the irrigation of rice near inhabited places, and it might be still more difficult to restrict the cultivation when only the natural rain-water is used.

"At the same time this is a question that must be thought out by the zamindars and cultivators themselves, and they must consider the question with their eyes open to the fact that, at all events in some situations, rice cultivation close to the villages means Malaria.

"What is certainly practicable is, to drain swamps as has been done in the Hooghly and Howrah districts, which improves cultivation and at all events gets the land dry by January. I am afraid, Sir, that my friend, the Hon'ble Raja Peary Mohan Mukharji, will tell you that drainage-works of this class are expensive luxuries to the zamindar, whatever they may be to the cultivator. There are, however, many places in which the works would be much less expensive than those draining to the Hooghly, where the great rise and fall of tide necessitate expensive sluices. Here, again, we want the fully-considered opinion of the landholders and representatives of cultivators, whether such measures can be left to the parties directly interested to take action under the Drainage Act or the Sanitary Drainage Act, or whether Government should exercise the powers it possesses to compel action under the Embankment Act.

"As regards the improvement of the village-sites, I hardly know what to say. The Hon'ble the Nawab Bahadur of Murshidabad would apparently invoke the direct action of Government. He says: 'Government must step in to do for us what we cannot do ourselves.' But think what it would mean to have a Government Department interfering directly with the surroundings of the homes of the whole rural population. Surely, this is a matter in which the cure must commence from within. We cannot make people moral by law or edict, and I doubt if we can make them healthy by compulsion.

"We hear, Sir, much at the present time of the very laudable desire of Indian gentlemen to take a larger share in administering the affairs of their country. I can imagine no better way of taking such a share than for the landholders and representatives of the peasantry to co-operate with Government in this matter. What we require is their aid in suggesting what can be done, and not mere demands to do something which is impossible. Is it possible to restrict cultivation of winter rice? Can we compel villagers to clear undergrowth through the agency of District Boards or Union Committees? These, Sir, are questions which I think it is for Government to ask, and for Hon'ble Members and their friends to answer.

"The Hon'ble Babu Jogendra Chandra Ghose advocates spending crores of rupees and doing great deeds with borrowed money. When dealing with

[*Mr. Inglis; Mr. Carlyle.*]

the report of the Irrigation Commission which had recommended that Loan Funds should be applied to the construction of protective, that is of unremunerative, works of Irrigation, the Government of India who did not accept the recommendation said: 'We do not affirm that there are no circumstances in which it would be justifiable to spend Loan Funds on non-productive purposes. That course may occasionally be unavoidable as in the case of a great work or of urgent military preparations.'

"I can understand the Hon'ble Member arguing that a war against Malaria is a better cause than a war against another State, and the argument might possibly be held sound if it could be shown that we know exactly what we want to do and what the effect will be. But we are very far from this. We are at present only in the stage of rather fruitless theoretical discussion. I think it is time that we entered on the stage of experiment which is the only way of testing theory.

"I quite sympathize with the Hon'ble Member in his desire that something should be done, and I hope that it may be found possible to set aside each year, from Provincial Revenues, a certain sum for expenditure on experimental measures of Rural Sanitation.

"I must apologize to you, Sir, and to the Members of the Council for the length of my remarks."

The Hon'ble Mr. Carlyle said:—"Your Honour, I do not propose to inflict on the Council a long speech. I will touch mainly on a few points relating to the Departments specially under my charge, but I will also briefly refer to a few remarks of the previous speakers during the debate.

"As regards the Agricultural Department, I have laid on the table a Note by Mr. Oldham, showing the main items of progress during 1906-07.

"The first thing that has to be done before the Agricultural Department can really do all that an Agricultural Department should do is, to get its Experts. We must, at starting, be dependent on Experts from Home, but I hope this will not last long. We have pressed on the Government of India the importance of giving such terms to men who entered the Department, as to enable us to enlist men of the same class as those who now enter the Provincial and Subordinate Executive Service and the Subordinate Judicial Service. Till we have a sufficient number of Experts, progress must necessarily be comparatively slow; and we cannot turn out our Experts in sufficient numbers until our Agricultural College has been started for some years.

"Land has been purchased for the Provincial Agricultural College, which is to be established near Bhagalpur. I hope the building will be ready next year.

"Over 200 acres of land have been acquired for an Agricultural Experimental Station near Bankipur, and the necessary establishment has been appointed. A tassar-silk farm has been opened at Chaibassa. At the Cuttack and Burdwan stations, practical demonstrations have been given, showing that paddy and jute can be grown in the same year and on the same land in rotation with much profit. This is a matter to which, I think, you will agree with me in attaching very great importance. Important results have been obtained as regards sugarcane and cotton in various districts. Another very important step in advance that has been made during the year is, the issue of leaflets in the vernacular, describing the results of work done at Agricultural Stations, and indicating important methods of cultivation of certain of the most important crops. Important proposals are under consideration which would enable us to supply a much larger quantity of good seed to the silk-rearers than is at present the case. These proposals were framed after a careful inquiry into the subject by a Committee, over which the Director of Agriculture presided and of which the Maharaja of Cossimbazar was a Member. We are awaiting a reply from the Government of Eastern Bengal and Assam as to the amount they are prepared to contribute, as the scheme, if fully carried out, will benefit both Provinces.

[*Mr. Carlyle.*]

"The Hon'ble Members will, I think, agree with me that Mr. Oldham's Note shows that a very satisfactory start has been made by the Agricultural Department in its first year under a separate Chief.

"The expenditure during the year was Rs. 4,09,000. It is hoped to spend over 2 lakhs more this year, namely, Rs. 6,15,000.

"With reference to the Hon'ble Mr. Bertram's remarks regarding Agriculture I hope my remarks on general questions have already made clear that there are limits to what it is possible to do at present. We must have our competent men to place in charge of Model Farms, and I believe that Mr. Oldham has done all he can to utilize the staff now at his disposal. To appoint incompetent men, would be worse than useless. It would lead merely to results which would be untrustworthy, and which, if pressed on the Agricultural population, would discredit the Department.

"I entirely agree with the Hon'ble Member as to the necessity of improving the local type of Cattle. This is a matter which is being specially attended to at the Sibpur Farm, which is maintained by the Hathwa Estate under the advice of the Agricultural Department.

"With regard to Forests, I am glad to see the Hon'ble Mr. Bertram's remark that the matter is one in which the non-official circles take interest. With reference to the suggestion that a more vigorous policy might be adopted, I would inform the Hon'ble Member that the matter has had the constant attention of Government and of the Conservator of Forests. I believe the Conservator of Forests is spending every rupee that it is possible for him to spend to advantage with his present staff. I hope the staff will soon be strengthened.

"With reference to the Hon'ble Mr. Bertram's remarks regarding the inquiry into the possibilities of developing the Fish Industry in Bengal, this Government is fully aware of its importance. It is hoped that the Secretary of State will agree to the Hon'ble Mr. Gupta being deputed to the United States and Canada to investigate some of the measures adopted in those countries, and that on his return an Expert from Home will be associated with him in his labours.

"As regards General Administration, I would notice the criticism of the Hon'ble Babu Jogendra Chandra Ghose on the expenditure of large sums for the Sundarbans reclamation. He objects to it on the ground that it violates the principle hitherto followed that, Government should not compete with private capitalists in such work to the detriment of the latter. The question, of Government undertaking the reclamations in the Sundarbans, was forced on us by the very unsatisfactory relations between the lease-holders and the raiyats in many of the cases where reclamation leases have been given, and it seems very desirable to try the experiment of Government dealing direct with the raiyats. In connection with this main object, when reclamations commenced in Fraserganj, it was found it might at no very great cost also be made a Sanitarium for residents of Calcutta, especially during the hot weather and after the rains.

"The Hon'ble Member has criticised at some length the Government policy in connection with the prevention of Malaria. This is not a matter dealt with by any of the departments under my charge, but, as an old District Officer, I would ask the Members of Council to bear in mind the extraordinary difficulty of dealing with the matter, not merely on account of the expenditure involved but also on account of the great difficulty in carrying with us the masses of the population (and it is necessary to carry with us the masses if any real improvement is to be effected) where any questions of sanitary reform are concerned. I believe there are many parts of the country, where to suggest that jungle should be cut down round the villagers' houses would cause a rising of the population. The jungle has been planted to secure privacy, and no amount of arguing on our part as to its insanitary nature would, in the smallest degree, reconcile the mass of the

[*Mr. Carlyle.*]

population to any attempt on the part of Government to deal with the question on sanitary lines.

"I know of no ground for the Hon'ble Babu Jogendra Nath Mukharji's allegation as to mortality in Darbhanga. The death-rate is and has for some time been unusually low. Famines are no more a terror than they used to be. Distress is now at once brought to notice where in former days no remedial measures would have been adopted, and outside the local area no one would have known.

"With regard to the remarks that have fallen from the Hon'ble Babu Jogendra Nath Mukharji, on the subject of the necessity of careful work in connection with Survey and Settlement Operations and the appointment of more experienced men for decision of objections under section 103 (*a*), this is a matter which has constantly been drawing the attention of Government. In future, as soon as a sufficient number of Sub-Deputy Collectors have received sufficient training to enable them to do Settlement Work, no outsiders will be appointed as Settlement Officers, and I hope it may hereafter be possible to get a certain number of officers with more judicial experience. It must, however, be remembered that a more highly-trained staff involves as a rule larger expenditure, and Government has always to consider the question of preventing the costs from bearing too heavily on the people.

"*Police Department.*—Steady progress has been made in carrying out the reforms sanctioned by the Government of India. A Deputy Inspector-General has been appointed in special charge of the Crime Department and of Railways, and a third Range Deputy Inspector-General has been appointed. These reforms are of great importance, as it is necessary to have a senior Officer-in-charge of the Crime Department which has now become a very heavy and important one, and Railways also need special attention. The third Range Deputy Inspector-General was necessary to enable the Deputy Inspector-General to deal properly with other matters than office inspection. A very important departure has been made in the appointment of Deputy Superintendents. These appointments can only be given to Indians or Statutory Natives. A number of additional Inspectors, Sub-Inspectors, Head Constables and Constables have been appointed, and 500 town chaukidars have been replaced by constables. Grade promotion has been given to a number of officers. Local and house-rent allowances have been granted to officers stationed in Howrah or Calcutta.

"Two lakhs of rupees have been spent on improvements to Police Buildings in the Mufassal and on quarters for Officers. The Police Commission specially noted the very unsatisfactory accommodation provided at many of the thanas in Bengal, and the expenditure under this head is most urgent.

"The work of the Criminal Investigation Department continues to develop, and it has during the past year achieved much success in dealing with organized crime.

"I notice that the Hon'ble Babu Radha Charan Pal has criticised the allotment of funds to the District Police and the Subordinate Police Force, respectively. Out of the Government of India's grant for the years 1905-07, Rs. 11,67,000 has been given for the Provincial Police. Of this sum, Rs. 2,18,580 has been given to the Superior Force, and Rs. 9,48,420 to the Subordinate Police Force, *i.e.*, the grant is being divided in the proportion of 18·7 to the Superior Force, and 81·3 to the Subordinate Force. This is in accordance with the ratio of the present grant to the total sum to be finally given to this Province. A comparatively large grant has been given this year to the Superior Force, as the reforms commenced with the Subordinate Establishment. In 1905-0-6, only Rs. 80,000 were spent on the Superior Force as against Rs. 7,11,000 on the Subordinate Force. A larger grant of Rs. 1,37,700 to the Superior Force this year was necessary, in order to give the same rate of progress to that branch of the Force. I would also point out to the Hon'ble Member that the grant to the Superior Police Force this year includes provision for 16 Deputy Superintendents of Police.

"Before leaving the subject of Police, I would notice a rather singular suggestion by the Hon'ble Babu Jogendra Nath Mukharji, regarding the reduc, tion of Military Police. I think that instead of having too large an Armed Force it is perhaps too small. The Armed Reserves in each district are not in any sense of the word a Military Force. They merely consist of a few armed men, contantly shifting in *personnel*, taken temporarily from the general Police Force of the district. Their numbers vary from 20 to 50 in a district, *e.g.*, a district like Midnapore with a population of over two million and-a-half has only an Armed Force of 50 men to prevent disturbances. Law-abiding as the population no doubt is on the whole, there are times when serious trouble is possible, and it must be remembered that these small armed bodies are only reinforced, so far as the Police are concerned, by three companies with more or less Military training. Should at any time serious trouble arise, we would have to fall back upon our troops, and I think the Hon'ble Member will recognize that it is most undesirable that troops should be, except on the most pressing emergency, called out to deal with internal troubles.

"With reference to the Hon'ble Mr. Bertram's criticism of the item of Rs. 25,000 for House-allowances to Officers of the Criminal Investigation Department, I would point out that the allowances are given to all the Subordinate Officers attached to the Criminal Investigation Department. It is a Department which is steadily increasing in importance, and it is most necessary that we should get for it the very best officers available, and we can only do so by compensating them handsomely for the extra expense involved by their appiontment to the Department and also for the more important nature of the work.

"*Co-operative Credit Societies.*—Mr. Gourlay, the Registrar of Co-operative Credit Societies, has supplied me with a Note on the subject, from which it appears that progress during the year has been very satisfactory. The number of registered Societies has increased during the year from 57 to 151, while the unregistered Societies have decreased from 34 to 25. This is exclusive of grain banks, of which there are about 20, not including the large grain business which is being carried on in the Sonthal Parganas. A capital of 25,000 maunds is being dealt with in that district on co-operative lines.

"Mr. Gourlay has during the winter visited over a hundred villages in which Societies exist, and has gone into details regarding some 4,000 loans. He is of opinion that the movement has made great progress, and he believes the number of members in the old Societies will greatly increase when more capital is available. He is of opinion, however, and I entirely agree with him, that it is not desirable that the numbers should increase too fast. He remarks that it is better that the few should thoroughly learn their lesson rather than that many should be given a little assistance.

"A matter of very great importance is the formation of a Co-operative Central Bank, of which the village banks should be share-holders. Mr. Gourlay holds, and here again I entirely agree with him, that outside capital should rather be raised with certain Government concessions than that it should be supplied by the State. The ultimate object is to make the Co-operative Credit Societies entirely independent of the State. I believe it would be a great mistake to introduce in Bengal anything like the system of the Egyptian Land Banks. I refer to this, as it has been mentioned in the speech of the Hon'ble Mr. Bertram. Merely to facilitate borrowing would have no permanently beneficial results on the raiyats. The only effect would be to encourage them to borrow large sums of money at lower rates of interest than is now the case, but their indebtedness would remain the same. What is wanted is to provide the check of fellow-villagers on the improvident borrower. Men who know thoroughly the resources of every fellow-villager will not allow excessive borrowings by any member of the community who belongs to the bank in which they are concerned. A Central Bank, however, is necessary in order to provide capital at the time when it is needed, and to take it back at those seasons when business is slack.

[*Mr. Carlyle; Mr. Oldham's Note.*]

"I think, in conclusion, no greater mistake could be made than to try to force the pace too much. It is essential that the banks should be built up on a solid basis. If this is done, I have no doubt that in 10 or 15 years Co-operative Societies will have afforded incalculable benefits to the rural population of this Province.

"*Registration.*—In connection with the Registration Department, the Hon'ble Babu Kali Pada Ghosh has spoken of an increase of 2 lakhs in Registration Fees. About two-thirds of this increase appears to be due to the normal growth of revenue. One-third is probably attributable to the abnormal increase in sales and mortgages of property of small value and in obligations for payment of money due to a bad year. The total increase, therefore, due to an unusually bad year is only about Rs. 66,000. The increase is regrettable, but is not so serious, I think, as the Hon'ble Member imagines.

"*Appointment Department.*—As regards the Appointment Department, effect has been given to the scheme for increasing the cadre of the Provincial and Subordinate Executive Service. This is a reform which has been pressed upon the Government of India for several years, and it is very satisfactory that it has been possible to give effect to it during the year. The immediate effect on the administration will not be apparent, as it will take two or three years before the newly-appointed officers are fully qualified for their work. As they become available, the present strain on the administration will be sensibly reduced.

"I may perhaps refer to the Hon'ble Babu Bhupendra Nath Basu's attack on the unsatisfactory nature of the answers given in Council. The Hon'ble Member reminds me of the benevolent Roman who shouted with the crowd: 'The Christians to the lions', not because he himself desired to see any one eaten alive but to please the populace. So too the Hon'ble Member would like to see a certain section of the Indian Press gratified by the daily sacrifice of a District Officer. The temper of that section of the Press which he would gratify revealed itself lately in its ready acceptance of a palpably forged letter, notwithstanding the District Officer's denial.

"I may note I do not accept the Hon'ble Member's version of the Sultanganj incidents derived no doubt from one of the papers belonging to that section."

'*BRIEF NOTE, DATED THE 3RD APRIL, 1907, OF THE MAIN ITEMS OF PROGRESS IN THE AGRICULTURAL DEPARTMENT, BENGAL, DURING 1906-07.*

'1. *Administration.*—The separate appointment of Director of Agriculture was created with effect from the 3rd of April, 1906, and the Department of Agriculture finally established as a distinct Department of Government.

'2. Mr. H. H. Corbin, B SC., joined the Department towards the close of the year. This Officer, after undergoing the necessary training, will, it is proposed, undertake the duties of Principal of the Provincial Agricultural College.

'3. *Experiment and Inquiry.*—Four special Jute Farms were established during the year under the direct supervision of the Deputy Director of Agriculture for the production of specially-selected seed. Three hundred maunds of jute-seed were selected from these farms, and the demand for the seed was so great that it was all distributed by February, 1907.

'4. Some 340 acres of land were acquired at Sabaur, in the Bhagalpur district, for the construction of the Provincial Agricultural College and connected buildings, and for an Agricultural Experiment Station in connection

therewith. Considerable progress was made during the year in aying out the land for the farm, in fencing, construction of cattle-sheds, clearing of trees and *basti*, ploughing of the land and growing fodder crops for the farm stock, and providing implements and machinery. The construction of the Superintendent's quarters was started by the Public Works Department.

'5. More than 200 acres of land were acquired for an Agricultural Experiment Station near Bankipore. The necessary establishment was appointed. The whole area ploughed up during the year and a considerable portion put under crops. Much progress has been made at this station in the construction of roads, erection of fencing, construction of cattle-sheds, manure pits, special canal distributary, etc. The farm has been fully stocked with cattle and implements. The construction of the Superintendent's quarters was started by the Public Works Department.

'6. In all, 156 bullocks were purchased at different fairs during the year for working the Departmental farms.

'7. A *tassar*-silk farm was opened at Chaibassa, an area of more than 50 acres being acquired for the purpose. Cattle were purchased and the necessary farm buildings and Superintendent's quarters were almost completed during the year. The land is being planted with *Asan* seedlings for the rearing of the *tassar* moths. Meanwhile, the land was ploughed and utilized for the growth of suitable crops.

'8. Special measures were taken at two centres in the Singhbhum district and in the Sonthal Parganas for disseminating a knowledge among the cotton-growers of the value of the cotton known as *buri kapas*. These measures have been so successful that the lint has found a ready sale, and more than 50 maunds of seed have been obtained for the Departmental Seed Store, and the cultivators were even loath to part with the seed.

'9. At the Cuttack and Burdwan stations, practical demonstrations were given that paddy and jute can be grown in the same year on the same land in rotation, with much profit. This is a matter of the utmost importance to the Bengal cultivator. Important collections were drawn as a result of the experiments on paddy at the Burdwan stations, and instructions issued in regard to the varieties, method of cultivation and manuring to be adopted in that district. Important experiments were carried out in connection with jute at the Burdwan station. All these results have been published in special leaflets which have been widely distributed both in English and in the Vernaculars.

'10. Similar action was taken in connection with jute at the Cuttack station, and an impetus given to the cultivation of jute in Orissa.

'11. At the Cuttack station, it was demonstrated that ground-nut could be profitably and suitably grown on a poor sandy loam, and seed was distributed to many districts.

'12. At the Dumraon station, it was demonstrated that the *khari* variety of sugarcane can be most successfully grown, and that this variety resisted the attacks of pigs, jackals and white-ants much more than the local varieties.

'13. At Jagdispur, in the Shahabad district, an important experiment was conducted through Mr. E. Mylne with a flood-resisting variety of sugarcane, known as the *ikri* variety, obtained from the Faridpur district. The importance of this work lies in the fact that large areas in the canal-irrigated tracts of Shahabad are liable to water-logging, and the local variety of cane, known as *mango*, will not stand such water-logging.

'14. At the Cuttack farm, demonstration was given of the working of a good sugarcane press, and some dozen presses were lent out in neighbouring villages for actual use.

'15. At this station, a number of apprentices were housed on the farm and given practical instruction in our farm methods.

[*Mr. Oldham's Note.*]

'16. At this station also, an impetus was given to the cultivation of potatoe in the Orissa districts by practical demonstration of the cultivation of approved varieties on the farm and the distribution of tubers therefrom. There was evidence during the year of the result of this work, and that the cultivation of this valuable crop is being taken up in the Orissa districts.

'17. Measures were taken to disseminate a knowledge of the value of mangolds, field carrots and cattle parsnips as cattle-food, by having the crops grown in different parts of the Province through selected correspondents.

'18. *Agricultural Education.*—The plans for the Provincial Agricultural College, hostel, residences, workshop, quarters, etc., were prepared during the year and the manufacture of bricks started.

'19. A syllabus for the teaching of Agriculture in the higher classes at certain selected zilla and collegiate schools was drawn up, and a scheme prepared in consultation with the Director of Public Instruction for the preparation by competent authorities of a suitable text-book for such teaching.

'20. Two more selected students who had passed through the Sibpur Agricultural Classes were deputed to the Cornell College of Agriculture in America for two year's further training.

'21. *Distribution of Literature and Information.*—A great advance was made during the year in connection with the preparation of leaflets describing the results of the work done at the several Agricultural Stations and indicating approved methods of cultivation of certain of the most important crops. The distribution of information in this way was placed on a systematic footing during the year. Some ten leaflets were prepared and published during the year and distributed. Vernacular translations were made, where required, and distributed.

'22. *Supply of Seeds, Manures and Implements.*—The work in connection with the above at the Departmental Seed Store increased to such an extent during the year that the accommodation in the large godown in Pollock Street hired for the purpose, was found to be scarcely sufficient and it is possible that further accommodation will be required.

'23. Ten tons of Russian flax seed were received by the Department from Russia under the orders of the Government of India, and the greater portion of it distributed to all parts of India for experimental cultivation.

'24. *Agricultural Associations.*—District Agricultural Associations were established in nearly every district and Divisional Agricultural Associations in all Divisions, except Bhagalpur. Pecuniary aid was afforded to these Associations to start them in their work.

'25. The Divisional Agricultural Associations were provided with a small collection of standard-books on Agricultural subjects to form the nucleus of an Agricultural Library. Copies of all the reports, leaflets and printed papers issued by the Department were distributed to all the Associations, both divisional and district. Instructions were drawn up for the guidance of these Associations and a list of items of demonstration work recommended by the Department was drawn up and d stributed to them.

'26. The kinds of seeds to be stocked in the Departmental Seed Store was decided by a Sub-Committee of the Provincial Agricultural Association, and a list thereof printed with the earliest date of sowing, latest date for receipt of indent, seed-rate per acre, etc., and a form of indent and a form for reporting the results of experiment circulated.

'27. The formation of the Provincial Agricultural Association Library was pushed on during the year. The books arranged and a provisional catalogue prepared.

[*Mr. Oldham's Note; Mr. K. G. Gupta.*]

'28. Divisional Agricultural Inspectors were appointed for the Patna, Orissa, Burdwan and Presidency Divisions during the year. A Supernumerary Inspector was also entertained to fill vacancies caused by illness or leave.

'29. *Agricultural Exhibitions and Shows.*—Mr. N. G. Mukherji was placed on special duty for some four months in connection with the Calcutta Industrial and Agricultural Exhibition, and a very fine collection of Agricultural exhibits was made by him and exhibited in a special shed, the whole cost being borne by Government. A model cattle byre was also exhibited by the Department. A complete catalogue of the exhibits was printed. All the best specimens have been carefully packed away, to form the foundation of a collection for the museum at the Provincial Agricultural College.

'30. Local Exhibitions and Shows were much encouraged by the Department, and suitable financial assistance given to them.

'31. A special staff of two Travelling Overseers was entertained to attend such shows and demonstrate the uses of approved implements, seeds and manures. These two men were specially trained for their duties. A list of all fairs was prepared in correspondence with the local officers and circulated to all District Officers, so that they might arrange that no two Exhibitions will be held on the same date, if possible, and all the fairs in the Province were divided between the two Travelling Overseers.

'32. A special grant was made to the Bihar Indigo Planters' Association to enable them to obtain the services of a Flax Expert from Europe, to teach them the best methods of treating the fibre and placing it upon the market. The Expert joined during the year.

'33. *Sericulture.*—A Commission was held under the presidency of the Director of Agriculture to inquire into the causes of the decline of the silk industry in the Province. The Committee submitted a report to Government, recommending certain measures for improving the condition of the industry. These recommendations are now under the consideration of this Government and of the Government of Eastern Bengal and Assam.

'34. A Manual of Arboriculture was drawn up by the Director for the guidance of officers dealing with tree-planting operations, which is now in the Press.

'35. A handy list of the Chief Economic Plants grown in the Province, with their English, Botanical and Vernacular names, was drawn up by the Director for the use of Revenue-officers and Members of the various District and Divisional Agricultural Associations.'

The Hon'ble MR. K. G. GUPTA said:—"Your Honour, I propose to make a few observations with reference to the remarks made by some Hon'ble Members regarding the administration of those branches of Revenue with which I am directly concerned.

"*Income-tax.*—As regards Income-tax, the Hon'ble Babu Jogendra Nath Mukharji repeats his complaint about the conduct of the assessing agency. He adduces no new facts or arguments, but simply states his belief that some portion at least of the increase of Revenue must be due to the undue zeal of the subordinates. He is sceptical about 'normal expansion,' but is it not a fact that in the absence of any great and widespread calamity such as famine, war or pestilence, there is in every civilized country such a thing as normal growth of population and normal increase in its commercial, industrial and agricultural resources? And as revenue represents the tax on the aggregate productiveness of a country, it stands to reason that an increase of one must be accompanied by an increase of the other.

"Since the raising of the taxable minimum, the number of persons who are dealt with by the assessors is now less than 30,000, and the work of assessment

is so closely supervised that there is little reason for the display of any undue zeal in the interest of revenue. Those who are engaged in the actual work of Administration are aware what difficulties are thrown in the way of the staff by various subterfuges assessing that are often had recourse to, to conceal the real income, and that many of the present complaints would disappear, if the assessees on their part always met the Revenue-officers frankly and honestly.

"*Excise.*—Coming to Excise, I fully endorse every word that has fallen from the lips of the Hon'ble Nawab Bahadur of Murshidabad and concur with him in thinking that an expansion of the revenue, which is the direct result of increased consumption, is much to be deprecated. Before proceeding further, I wish to assure my hon'ble colleague that the opening of spirit depôts need not cause any alarm, as they are a necessary part of the Contract Distillery System and that they will only supply liquor to the retail shops.

"Excise Revenue, as Hon'ble Members are aware, is made up of various items, but the three principle sources are Country Spirits, Hemp Drugs and Opium, the three together yielding about 85 *per cent.* of the total revenue, the share of the first being nearly 50 *per cent.* Figures of consumption are known in regard to hemp drugs and opium and in regard to country spirit in distillery areas, and during the 9 months of the year just closed, for which I have seen the figures, although the receipts show a heavy increase, there is a falling off in the consumption of both ganja and country spirits, opium alone exhibiting some increase. In pursuance of the policy of checking consumption by raising the tax, the duty on opium has this year been enhanced in the Orissa Division, in which the drug is very largely consumed.

"Complaints against Excise Administration are generally confined to spirit, not only because its consumption is more general but also because the evil effects of indulgence in it are more conspicuous.

"I do not think that those who advocate the closure of all liquor shops intend that they should be taken seriously or that they realize what the consequences of such a measure would be. It is well known that in countries where such an attempt has been made and under conditions more favourable than could be expected here, it has ended in sad failure. The craving for stimulants is universal and is as old as the human race, and so long as this craving exists, it is futile to attempt any measures of absolute repression. If unduly checked in one direction it will find vent in others, and the sudden and widespread growth of the cocaine habit and increased consumption of morphia pills ought to furnish a sufficient warning.

"As regards the object aimed at, *viz.*, the promotion of temperance and sobriety, there is no difference of opinion. Everyone is agreed that all intoxicants are poisons of various degrees of potency and that their habitual use is seldom beneficial and is often most harmful. But since it is not possible to stop consumption, the wisest course is to check it by raising the cost and by regulating sale, and this, in short, is the principle upon which the Excise Revenue is raised. There have been errors and omissions, but those who have carefully studied the Excise policy of Government will admit that it has not been influenced primarily or chiefly by revenue considerations.

"In Bengal, I frankly concede that the great blot in our Excise Administration is, that outstills still prevail in a considerable part of the Province. But this is the unfortunate outcome of the endeavours made to carry out the recommendations of the Bengal Excise Commission of 1883, having for their object the establishment of a system of regulated outstills. It was, however, soon evident that the task undertaken was an impossible one and the attempt had to be given up, but it put us back for several years. Even sometime before the appointment of the recent Excise Committee, the gradual abolition of outstills was decided upon, and now that that Committee have definitely condemned the system, the process of abolition will

be greatly accelerated, and it is hoped that in a few years' time they will practically disappear.

"The Hon'ble Babu Kali Pada Ghosh has spoken strongly on the evils of drink in Chota Nagpur. The subject has received much attention, and he will be glad to know that outstills have been abolished in Manbhum from this year, and that the question of extending the Contract Distillery System to other parts of the Division is under consideration. It is unnecessary, therefore, to take up his criticisms in detail; for it is hoped that with the disappearance of outstills and better regulation of sites and number of shops, much of the present complaints will lose their force. The opening up of the country by railways, the exploiting of its mineral resources, the starting of new industries and the extension of collieries have all tended to bring in a sudden influx of wealth, which has had its inevitable effect upon an ignorant and simple people naturally and greatly addicted to drink.

"The Excise Committee have completed their labours, and their recommendations have on the whole met with general approval. It is confidently anticipated that when under the orders of the Supreme Government effect is given to them, the Administration of Excise will show further improvement. But after all, when all is said and done, the craving for intoxicants, like any other evil propensity, cannot be eradicated but only kept under check, and that to a limited extent, by any measures of Government. The real reform must come from within, from the people themselves, by the spread of education, by the growth of a healthier public opinion and by the efforts of voluntary associations.

"I have not considered it desirable to weary the Council with a mass of details, however much they might have been necessary to elucidate or support my remarks, but I have ventured to touch on a few of the more salient aspects of Excise Administration, in the hope that they may tend to remove some at least of the misconceptions that seem to exist on the subject."

The Hon'ble MR. MCINTOSH said:—"Your Honour, I will not detain the Council for more than a moment at this late hour. I think the Members of Council for what, I think, I may call the appreciative manner in which they have received the Budget, and for the many interesting suggestions they have made.

"Most of the points raised have been answered or touched upon by the Hon'ble Members who have spoken immediately before me, and I do not propose to go over the same ground again.

"I have listened with close attention to all the speeches, and there is one point that strikes me forcibly. On all sides, there are many urgent and pressing demands for more expenditure in one direction or another. These are a common feature throughout the debate. Here and there I heard a quiet suggestion for reducing the revenue from Income-tax, Excise or some such source. But I heard few suggestions as to where the money is to come from to meet the largely-increased expenditure which is demanded on all sides. This is a matter of much practical importance, which must always be borne in mind when making proposals for fresh expenditure.

"There are one or two points to which I may perhaps make special reference. The Hon'ble the Nawab of Murshidabad and other Hon'ble Members have pressed upon Government the need for greater activity in promoting Sanitation throughout Bengal. This is a large and important question which will receive special attention this year when the Report of the Presidency Drainage Committee is received. The difficulties are great, and I think it must be admitted that the matter is one in which Government cannot act alone. Without the aid and co-operation of the great mass of the people and of the local bodies throughout the Province, it can hardly be that the direct action of Government will serve to do all that is required. Meanwhile it cannot be asserted that Government stands idle and does nothing. Large sums have been and are being spent on the improvement of Drainage and Water-supply,

mostly, but not all, through grants to Municipalities and District Boards. Our Loans Budget also makes large provision for loans to local bodies for such objects. The report of the Drainage Committee will show what further action it will be practicable to take in the near future.

"Several Hon'ble Members have referred to the improvement of the pay and prospects of Ministerial Officers. As to this, I need only repeat what I have already said in this Council. The details of the scheme are still under consideration, and there is no intention whatever of dropping it. Pending the final scheme, provisional arrangements have been made for giving a large number of officers increments in the shape of personal allowances. The provision on account of this is distributed over many heads in the Budget.

"The Hon'ble Babu Kali Pada Ghosh observes that under the head 'Civil Works', some of the provisions made last year have been carried over to this year. This is undoubtedly the case. The reason is, that the schemes were not sufficiently matured to admit of the expenditure for which provision was made, being incurred. Among others, the Puri Drainage Scheme was not ready. Government proposes that both the Drainage Scheme and the Water-supply Scheme at Puri should be proceeded with.

"The Hon'ble Babu Radha Charan Pal has referred to the rate of interest charged on Loans to Municipalities, District Boards and Cultivators. I would remind him that the Local Government is responsible to the Government of India both for the interest and for the principal, and that the rate of interest charged by the Local Government covers such part of the principal as becomes irrecoverable and has to be written off.

"The Hon'ble Babu Jogendra Nath Mukharji is of opinion that the Financial Statement is not prepared in such a form as to give him all the information he wants. I will bear his remarks in mind. But it must be remembered that the first function of a Financial Statement is a Budget function. The various departmental reports issued by Government will, I expect, if read, be found to give, much if not all, of the information he seeks for in the Financial Statement. As for example, I think he might refer to the Income-tax Report for facts and figures regarding the detailed administration of that Department. I do not admit that there is any justification for the supposition that the expansion of the receipts from Income-tax is due to improper action on the part of the Assessing Officers.

"As to his remarks about the absence of details for the 'Road Cess,' I would remind the Hon'ble Member that the Budget under discussion deals only with Provincial receipts and expenditure, and not with local receipts, such as the Road Cess, which is the principal source of income of the District Boards and District Road Committees and is applied to local works and needs.

"The Hon'ble Babu Jogendra Chandra Ghose draws attention to a number of projects for which Budget provision was made last year, but which have not been executed yet. The Hon'ble Mr. Inglis has explained about the Bhairab Valley Drainage Scheme. None of the other schemes mentioned, so far as I recollect, have been abandoned, though progress was not made with them owing to their not being ready. It frequently happens, especially when we provide for grants to Municipalities and District Boards for particular purposes, that the schemes take longer to elaborate than was expected. The alignment of the drains for the Presidency Jail refers to the new Jail now under construction and not the old Jail."

The Hon'ble the PRESIDENT said:—"I congratulate my hon'ble friend, Mr. McIntosh, on the approval with which his Budget has been received in the Council, and Hon'ble Members generally on the manner in which they have presented their views. I do not propose to follow Hon'ble Members through all their criticisms of the Budget. It must not for a moment be presumed from my silence in regard to any of these criticisms that I do not attach importance to the matters discussed. But the Hon'ble Members who

represent the various Departments of Government have given such information and explanations as appear to me to be necessary; and I need not repeat what has been already said. I shall confine my remarks to a few only of the subjects which have been brought before us.

"The high price of grain has been referred to by more than one Hon'ble Member. It is not attributed in any way to the action of Government; and no specific measures on the part of Government have been advocated. It is undoubtedly a matter which seriously affects certain classes of the community; but it is very difficult to see what action can reasonably be taken. It is desirable, however, if possible, to ascertain what are the causes that have led to these high prices. We hear of the great benefit which is accruing to many of the cultivating class; and that can only be regarded as cause of congratulation. We hear also that in many places cultivators, by taking the opportunity to replenish their stocks, are doing what necessarily conduces to high prices; but this also must be regarded with satisfaction, as it is dictated by wise regard to their interests. The crop in Eastern Bengal was a good one, but by no means a bumper crop; and the mere fact that the cultivators are keeping a certain amount of grain out of the market would tend to keep up prices. There is no doubt also that the amount of money that has come into the country has to do with this result. There are other causes which are at work, and which we are endeavouring to ascertain. We believe that, if there is a good monsoon, prices will undoubtedly fall. Meanwhile, however, Government will continue to make inquiry, and will gratefully welcome any sound information in regard to this matter.

"It is with satisfaction that I see the attention given by many Members to the important subject of Sanitation. I especially congratulate the Hon'ble the Nawab Bahadur on his practical contribution to the discussion. What we want in this matter, more than anything else, is the dissemination of correct views in regard to Sanitation among the people. However anxious Government may be to secure sanitary improvement, its efforts must be futile without the co-operation of the great mass of the people. Government can direct and advise. It can undertake a few large schemes. It can give contributions to District Boards, Municipalities and other local bodies, to assist them in carrying out schemes of their own. But for real and effective progress throughout the Province reliance must be placed, as has been already said by the Hon'ble Mr. Inglis, mainly on the people themselves. Government cannot possibly take in hand schemes for cleansing and freeing from jungle every village of the Province, or for filling up or otherwise dealing with all the little breeding places for mosquitos, which exist without number in certain districts. Government may be able to conduct here and there experiments on approved lines as an inducement to the people to take the matter up for themselves; but after all, it is to the people that we must look for carrying out detailed sanitary work.

"In regard to the action that Government is taking, it is scarcely a fair way of putting it to say that 'beyond half a lakh provided for sanitary improvements in Darjeeling and certain allotments to Municipalities for Civil Works, there is no provision in the estimates for the general improvement of the sanitation of the Province.' Apart from the total provision for the maintenance of hospitals and dispensaries, leper asylums, medical and vaccination staff, and the like, which are all more or less directly connected with sanitation, there are Rs. 96,000 provided for expenditure during the prevalence of epidemics, besides allotments for experiments in connection with anti-malarial work. There are also several grants, ranging from Rs. 10,000 to Rs. 75,000 each given to various localities for water-supply and drainage. There is a large provision in the Loans Budget for advances to local bodies on account of sanitary schemes. There are five and three-quarter lakhs provided on account of the Magra Hât Drainage Scheme. And there is a reserve of about one lakh for contributions, the greater part of which will probably be devoted to grants for the improvement of sanitary schemes. Besides this, there is at work the Drainage Committee, whose report is still

awaited; and it is probable that some action will have to be taken on that report.

"Altogether, I think that a careful examination of the Budget will establish that this Government is by no means indifferent to this most important subject. But, as I have said, Government can advise, lead the way, and give some assistance in regard to sanitation generally, and in regard to Plague and Malaria in particular; but the great bulk of the work has to be done by the people themselves. I think that I cannot do better here than quote an allusion to this subject in the Presidential Address at the Conference recently held at Berhampore. Mr. Deep Narain Singh said:—

'Another urgent work that the people must take in their hands is the sanitation of the Province. Facts, as disclosed by Government reports, show that there is fearful mortality in the Province. * * * * * * If one were to ask what may be the foremost factor of national life, the inevitable answer comes—the physical powers of the nation, its numbers and effective fertility, its health and sanitation, the energy, vigour and absolute strength of individuals. Depreciated vitality does not help in the growth of nationality; and I appeal to my countrymen to take up the question of sanitation and hygiene in right earnest. And in this direction, I may suggest that much may be done by a band of Missionaries going into the interior, educating the people in the ordinary principles of hygiene and taking such sanitary measures as the destruction of mosquitos and rats, the cutting of jungles, the digging of tanks and wells and starting practical schemes of drainage.'

"I naturally pass from this subject to the remarks that have been made in regard to Hospitals. I am glad that the improvements that are being effected in the principal Calcutta Hospitals have attracted attention and met with approval. It appears to me that in a very short time it will be possible for this City to regard with great pride such Hospitals as the Presidency General, the Medical College, the Campbell Memorial and the Sambhunath Pandit Hospitals. The improvements that are being effected in these are altering them almost out of recognition. The subject of the paying-patients' wards in the Medical College Hospital, again referred to by my hon'ble friend, Raja Ban Bihari Kapur, has not, as he is very well aware, been neglected during the past year. It was necessary carefully to consider and to consult Indian gentlemen about the plans for these wards. It has also been found necessary to acquire new land for them, inasmuch as there was no suitable site available on the land at present occupied by the Medical College Hospital. This has caused delay; but the land is now being acquired; funds for the construction of one ward are at my disposal; and I expect through private liberality soon to have the funds for another. The work is being pushed forward as fast as possible.

"I note the suggestion of the Hon'ble Mr. Bertram that some of the balance of the Hospital Port Dues might be utilized for providing special accommodation for sailors. That suggestion will receive my careful consideration. I am glad to be able to add that the improvement in the accommodation and equipment of hospitals is not confined to Calcutta, but is to be found throughout the Province. In this connection, I would solicit the co-operation of the wealthy and benevolent, so that the liberality of Government may be worthily assisted. There is surely no object of benevolence that should appeal more forcibly to men of means than the provision of well-equipped hospitals for the sick.

"I should like to say one word in regard to the Calcutta Improvement Scheme, which has been referred to by more than one Hon'ble Member. There is no doubt that great delay has taken place in coming to a final decision in regard to this matter. But it must be borne in mind that the whole scheme, both in regard to the measures of improvement to be adopted and in regard to the method of financing them, has had to be referred to the public, and to be discussed by the Local Government, the Government of India and the Secretary of State. All this takes time; and it is not an easy matter, in regard to so great a scheme, to arrive at a decision which will commend itself to all these authorities. I am glad, however, to say that, with the consent of His Excellency the Viceroy, I convened a Confidential Conference at Belvedere on the 22nd of January last, which consisted

of the Hon'ble Members and Secretaries in the Finance, Home and Commerce Departments of the Government of India, the principal Officers of this Government, and representatives of the Corporation and of the non-official community of Calcutta. We had before us all the opinions that had been received; and the result of that Conference I was able to submit the scheme to the Government of India in a form which will, I trust, lead to early orders being passed in regard to it. I cannot at present give information in regard to the details of the scheme on which the orders of the Secretary of State and the Government of India must be awaited.

"I sympathize with the impatience of Hon'ble Members in regard to the action to be taken in respect of the Smoke Nuisance in Calcutta. The Hon'ble Mr. Collin, however, has explained to the Council how the case stands. Nothing effective can be done until the rules under the Act have been passed. They are still under consideration; but they have advanced so far that I do not anticipate any delay in having them finally approved by the Government of India. Meanwhile, the Inspectors have been working; and I am glad to say that they have found the Mill authorities ready to accept the advice they offer. Real improvement, however, cannot be expected until the Inspectors have authority under the rules to enforce their advice.

"I do not propose to say much in regard to the Presidency College, although it is a subject to which I attach very great importance. Opinions are still being received; and I heard only this week that one of our leading Associations has some difficulty in coming to a conclusion. Like the public generally, the Members of this Association are divided in opinion on this matter. Subject to anything further that may be laid before me, I am of opinion that the Presidency College ought not to be removed from its present site, and that we ought to improve it where it stands. I cannot enter on a scheme of improvement, however, until this question is finally decided. I propose to take it up as soon as I reach Darjeeling; and I hope that before many weeks are over we shall have framed a complete scheme and shall have begun to carry it into effect.

"In regard to Education generally, I have first of all to invite attention to what has been said by my hon'ble friend, Mr. Gait. I do not intend to repeat what he has said in answer to the criticisms of Hon'ble Members in regard to our educational policy. I do think that considerable progress is being made. Our object is to afford sound education in all departments and to push this forward as fast as we can. One important requirement in securing efficient education is, a sound system of inspection and direction; and I am entirely in accord with what Mr. Gait has said on this subject.

"Hon'ble Members are aware of the scheme which is under consideration for providing free Primary Education. In regard to this scheme, public bodies and gentlemen interested in the subject have been consulted; and a report will be submitted to the Government of India with as little delay as possible. I hope that the schools at which this free education is given will be efficient institutions.

"We are anxious to secure good teachers; and as you have heard, we are establishing training colleges for the training of teachers who teach through the medium of English and training schools for vernacular teachers I cannot avoid mentioning here the generous endowment provided by Syed Badshah Nawab Razvi of Patna, for the training of female teachers at Bankipore. That scheme has already been submitted to the Government of India; and we expect to be able soon to submit a similar scheme for Calcutta.

"The Government of India have called for proposals for the improvement of Secondary Education; and our report will be submitted as soon as possible. In this connection, I may mention that my hon'ble friend, the Vice-Chancellor of the University, has made, on behalf of that body, a very urgent request for four Inspectors to assist the University in the work of inspecting recognized schools. My hon'ble friend has assisted this Government

[*The President.*]

n the difficult task of finding in our depleted establishment the officers to conduct this inspection; and I trust that the work will be begun within two months from the present date. I think that we ought to acknowledge gratefully he great work which is being done by the University in regard to the Colleges. In this matter, the Government will render all the assistance that t can; and I trust that it will be found that something will also be done by private liberality.

"In regard to Technical Education, the conclusion at which we arrived after full discussion of the subject by experts, is that our best plan is to provide further facilities for education at the great Engineering College of the Province; and steps have already been taken to carry out that decision. Besides this, as Hon'ble Members are aware, schools for technical education generally or for particular industries are being established throughout the Province. This Government is quite prepared to go, as fast as it can, in regard to this matter; for I yield to none in regard to the importance of technical education in the development of the country. Finally, on this subject, I would say that I hail with great satisfaction the efforts that are being made by private liberality to assist in the work, both of general and technical education. I hope that those who are taking part in this good work will co-operate with the Government, and that we shall be able also to assist them. We are aiming at the same object; and it will be well for the cause that we should work in harmony together.

"In regard to the Ministerial Officers' salaries, I must say that I cannot understand how there should be any idea that there was any intention whatsoever of withdrawing from the scheme which Government had worked out. The whole subject is, however, still under consideration in connection with the report of the Committee appointed to make inquiry. At present, we are awaiting a reply from the Hon'ble Judges of the High Court whom we have consulted on the report of that Committee. It is no doubt unfortunate that there should be delay in carrying out this scheme; but it is absolutely essential that it should be fully considered in every detail before final orders issue; and in the meanwhile we have given provisional increments of pay to a large number of officers.

"I do not propose to add anything to what has been said by my hon'ble friend, Mr. Gupta, in regard to Excise. The policy of Government has been frequently stated. A Commission has been appointed by the Government of India to consider the whole question for all Provinces. Orders on the report of that Commission are in course of issue; and I trust that defects which have been found to exist in our Excise system will be remedied. The circumstances of Excise Administration in certain districts of this Province are receiving special attention. The matter is not one in regard to which this Government is indifferent. The action of Government must always be cautious and circumspect; but I am very far from viewing with dissatisfaction the earnest advocacy of temperance principles. It has my entire sympathy.

"I take the keenest interest in the development of Agriculture. A separate appointment of Director of Agriculture was created with effect from the 3rd of April, 1906. But for some months before that date my friend, Mr. Oldham, who was then appointed Director, had been on special duty during the cold weather, maturing plans for the organization of the department. In my opinion, Mr. Oldham has very fully justified my selection of him for this important office. I commend to the attention of Hon'ble Members the 'Brief Note' prepared by Mr. Oldham, which has been laid on the table by the Hon'ble Mr. Carlyle. It is indeed brief, and contains only the barest statements of fact. But it well deserves perusal. Among the points to which I especially invite attention is, the acquisition of land at Bhagalpur for the construction of the Provincial Agricultural College and connected buildings and for an agricultural experiment station in connection with the college. Plans for the buildings have been prepared and materials are being collected. In addition to this, steps have been taken for the teaching of agriculture in selected schools. Farms or agricultural experiment stations have been

established in several centres already. Valuable experiments have been co ducted. The results are published in special leaflets which have been wide distributed in English and Vernacular.

"Excellent work has been done in the distribution of seed and in t dissemination of knowledge of the value of certain crops and vegetabl Exhibitions and agricultural shows have been encouraged by the departmer and trained officers have been especially employed to demonstrate the use approved seeds and manures. The Provincial Agricultural Association has be put on a satisfactory footing; and Divisional and District Associations ha been created throughout the Province. These are some of the facts which y will find stated in Mr. Oldham's note; and they indicate in how thorough a business-like a manner the work of this most important department has alrea been inaugurated.

"I may in one word refer to the Fishery inquiry, which has been conduct by my hon'ble friend, Mr. Gupta. It has had such favourable results that pr posals have been made to the Government of India and the Secretary of Sta which may lead to great development of the fish supply of the Province.

"I do not consider it necessary to discuss the expenditure on Police aft what has fallen from my hon'ble friend, Mr. Carlyle, who has fully replied the criticisms that have been made. As the President of the Police Comm sion, I am of course deeply interested in carrying out such of the measur of reform recommended by that Commission as have been accepted by t Government of India and generally approved. A great deal has already be done in this Province; and we are introducing the reforms as fast as possibl The Government of India has generously aided us, as well as other Provinc in meeting the financial burdens which these reforms have entailed; and gratefully acknowledge the liberality with which we have been treated.

"This leads me to say that I do not quite understand what the Hon'b Raja Peary Mohan Mukharji means by speaking of the precarious nature of t assistance to be rendered to us by the Government of India in regard Famine. What has been decided on is this, that the Government of India sh assist this Government in building up a reserve of credit with the Imperi Government, on which it will be at liberty to draw when it becomes necessa to incur expenditure on famine relief. To form this reserve of credit a assignment of Rs. 2,60,000 is to be made annually up to a maximum of twent five lakhs. When famine occurs, the Local Government will draw upon t amount standing to its credit to meet its famine expenditure; and the expe diture will thus be Imperial expenditure. If the reserve of credit is exhauste any further expenditure on famine relief will be shared between the Imperi and Local Governments. Thus, in ordinary cases, the expenditure will Imperial; in more severe cases one half of the excess over the amount to t credit of the Local Government will be Provincial; and in extreme cases, t Government of India have intimated their intention of rendering speci assistance. This constitutes a very considerable safeguard against dislocatio of finance by famine, and leaves any great burden to the Provincial revenu only, in case of unprecedentedly severe distress. This has certainly placed u in a far better position than we were in before, and seems to me to be for u a very satisfactory arrangement. My hon'ble friend advises that we shoul save for famine; but the position is that the Government of India have agree to save money for us, and that is better.

"I cannot pass over the speech of my hon'ble friend, Babu Bhupendra Nat Basu, without one or two remarks. His remarks regarding Education (thoug not always well considered) have not fallen in this Council on unsympatheti ears. It is not possible, at a day or even a few years' notice, to accomplis all that one would desire to accomplish in regard to Education. But as I hav already said, we are making marked progress; and I welcome the appreciativ language in which the Hon'ble Member has referred to the good work which being done by the present Director. Mr. Earle is putting the Education Depar

[*The President.*]

Department of this Province on a sound footing; and his success in this work is due both to his special administrative capacity and also to the fact that the sphere of his operations is now such as may be dealt with more effectively by one man. I trust that the era of progress which has been inaugurated will continue to the great advantage of this Province.

"In the second part of his speech the Hon'ble Member refers in caustic language to some of the replies to interpellations in Council. It has been the object of this Government to make these replies in Council as clear and full as possible. The law, as it stands, does not allow a meeting of Council purely for the purpose of interpellations; but as most of the Hon'ble Members know, this Government has sometimes even adopted the device of announcing purely formal business, so that there might be a meeting at which the right of interpellation might be exercised; and it has been the object of Government to give courteous and clear answers to questions put. Occasionally, however, the answer must of necessity be unsatisfactory, if the object of the question is one which the Government cannot approve.

"Of the cases particularly referred to by the Hon'ble Member, one was a prosecution which led to a conviction before a Magistrate and to an acquittal by the Appellate Court. It seemed altogether unnecessary for the Government to intervene in this particular case. If the conviction was wrong, it had been set aside. If the acquittal was wrong, the Government was not justified in criticising it unless it desired to make an appeal to higher judicial authority. The other case was one in which what professed to be a report of certain confidential conversation between the Collector and some gentlemen of the district was published; and the Government was asked whether it would deal with the Collector in respect of these conversations. The Government refused; because it is considered very inexpedient that there should be any interference with the confidential relations that naturally exist between zealous and kindly officers and Indian gentlemen.

"The Hon'ble Member himself has not infrequently, either on my invitation or on his own motion, discussed with me privately the propriety or wisdom of certain courses of action which he has followed. I have frankly given him my advice. He has sometimes taken it; and he has sometimes rejected it. I should have considered it a grave breach of confidence if, in either case, he had published it, and had attributed his line of action to me. I hold that these gentlemen were justified in seeking the advice of the Collector, and the Collector was justified in giving it. The Collector had no desire to enforce his advice; and the Government has no desire to prevent him from giving friendly and confidential interviews to gentlemen of the district.

"With reference to another remark of the Hon'ble Member, I may add the expression of my satisfaction that there has been no abuse in this Province of the important provisions of the law regarding the employment of special constables; and I decline altogether to follow the Hon'ble Member in his somewhat distorted review of the recent history of another Province.

"The suggestion has been made by some Hon'ble Members that the Budget might give more adequate information as to what is being done. I think that there has been some confusion of idea. A Budget is not an Annual Report. All the same, I think myself that it would be a very good thing if the Head of each of the principal Departments would draw up, in time for the Budget discussion, a brief statement showing its actual expenditure and the work that he has done during the past year, and also briefly indicating what he proposes to do during the coming year. I do not mean that this statement should indicate only any changes that are to be introduced, but the general work of the department. I shall think this matter out; and I shall also consult non-official Members of Council before deciding as to the orders which I shall issue on the subject. Our object is to make our position, as indicated in the Budget, intelligible to the ordinary reader; and I trust that we shall be able to do something in this respect.

[*The President.*]

"I am glad to hear the acknowledgment made of the informal actio which I took this year in inviting non-official Members of Council to me with the Secretaries in the various departments of Government and discu the Budget before it was submitted to the Council. This was the fir experiment in this direction. I hope that next year I shall be able t take measures which will make this even a more effective means of ascertai ing opinion in regard to the work of Government. I shall certainly allo Hon'ble Members who attend the Conference to have an opportunity c studying the Budget, beforehand; and I hope that the advice and assistanc which they will give me will be of no mean value.

"I should like to see the Province, in its different parts and its divers interests, more fully represented in the Council than it is at present. It a great regret to me, for example, that I have no non-official representativ of the Patna or Orissa Divisions in the Council. This is due to circumstance over which, in the present constitution of the Council, I have really no contro I am very anxious that this difficulty should be removed; and as you ar aware, I have, in this matter, the entire concurrence of His Excellency th Viceroy and the Government of India."

The Council was then adjourned *sine die*.

CALCUTTA;
The 30th April, 1907.

L. C. ADAMI,
Offg. Secretary to the Bengal Counci

B. S. Press—2-5-1907—12413—300—T. N. B. & others.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 27th July, 1907, at 12 *noon*.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. E. A. GAIT, C.I.E.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. H. C. STREATFEILD.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble MR. G. H. SUTHERLAND.

NEW MEMBERS.

The Hon'ble MR. W. C. MACPHERSON, C.S.I., the Hon'ble MR. H. C. STREATFEILD, the Hon'ble MR. C. G. H. ALLEN and the Hon'ble MR. G. H. SUTHERLAND took their seats in Council.

[*Babu Radha Charan Pal; Mr. Gait.*]

QUESTIONS AND ANSWERS.

SOBHA BAZAR MURDER CASE.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Will the Government be pleased to state what steps have been taken by the Calcutta Police to find out and bring the real murderer of the unfortunate man, "Ganga Uriya," who was killed at Sobha Bazar on the 24th May, 1905, since Girish Goala, whom the Police charged of having murdered Ganga, was acquitted?

(*b*) Has the Government received any report or explanation on the subject from the Commissioner of Police?

(*c*) If so, will the Government be pleased to publish it for public information?

(*d*) Is it a fact that the Government sanctioned the institution of the suits brought by certain Police Officers against three daily papers of Calcutta for defamation in connection with the Sobha Bazar murder case and that the Government also defrayed the cost of the suits?

(*e*) Under what circumstances was the sanction accorded, and the cost allowed to be paid?

(*f*) What is the total amount of cost paid by the Government?

The Hon'ble MR. GAIT replied:—

"(*a*) A reward of Rs. 5,000 was offered and further inquiries were made for a period of two months by two specially-selected Inspectors, but without any success.

"(*b*) A report was received from the Commissioner of Police. It was examined by two of the Lieutenant-Governor's Legal Advisers, who went carefully over all the facts of the case; and both of them were of opinion that the Police were not guilty of the charges made against them in the Press.

"(*c*) The Commissioner's report contains controversial matter, and it is not advisable to publish it. I quote, however, the following extract from Mr. Halliday's remarks:—

'I personally released the lad Sovendra Krishna Deb on Rs. 500 bail. I did this against the wishes of my officers who asked me to place him before the Magistrate in order to discount the accusations that have since been made or implied against the police, and which they, knowing the eagerness with which any story against the police is seized on by the public and press, clearly foresaw.

'I refused to listen to their application, although I clearly foresaw that the cry would be raised that the police had arrested a Raja's relation and released him on receipt of money; because I considered that we should not be swayed by any such considerations, and because, beyond the accusations of the man Girish, whose entire conduct utterly failed to inspire confidence, there was not an iota of evidence against Sovendra Krishna. I considered that I should be acting wrongly in subjecting a man to the pain and distress of being placed in the dock on a charge of murder when there was no reliable evidence against him, merely in order to stop people making insinuations.

'The opinion of the Standing Counsel is important in this respect as it clearly shows that the police had no inclination in the matter at all one way or the other.

'There was no question of sending up Girish Ahir in order to avoid sending up Sovendra Krishna. Superintendent Aldridge verbally asked Mr. Hume to put the question to the Standing Counsel as to whether they could not both be sent up. Mr. Hume's written note shows that he did so.'

"(*d*) Yes.

"(*e*) The report of the Commissioner of Police and the independent examination of the facts above referred to convinced the Lieutenant-Governor that the charges of conspiracy, corruption, suborning of witnesses, perjury, etc., made by certain newspapers against the investigating officers were entirely baseless. The Judge who tried the case had been careful not to condemn the police; but these papers definitely made distinct charges of acts amounting

to criminal offences against these officers. One of the leading barristers of the Calcutta Bar whom they consulted advised them that the charges constituted a serious libel. They accordingly asked Government for sanction to proceed against these papers for libel. This sanction was accorded.

"Subsequently when the suit had commenced these officers represented that they were unable to bear the cost of the proceedings in Court. And as the charges made against them referred to acts done by them in the execution of their duty, the Government gave them the necessary assistance to vindicate their character in Court.

"(*f*) The amount of costs has not yet been reported."

STRAND-BANK ROAD AND PRASANNA COOMAR TAGORE GHAT.

The Hon'ble Babu Radha Charan Pal asked:—

(*a*) Is the Government aware of the deplorable condition of the Strand-bank road, to the north of the bridge under the Port Commissioners, which are full of ruts, holes and depressions and filled with mud, slush and other noxious matter, specially in the rainy season?

(*b*) Will the Government be pleased to move the Port Commissioners to thoroughly repair the roads, which are at present dangerous both to passenger and wheel traffic?

(*c*) Will the Government be pleased to ask the Port Commissioners to remove the silt-deposits which have accumulated and buried the steps of the Prasanna Coomar Tagore Ghât and other bathing ghâts on the Calcutta side of the river, where thousands of people, including women, bathe, and many of whom have met with accidents by stumbling over the pit-falls, hollows and heaps on the silted-up river-bank?

The Hon'ble Mr. Slacke replied:—

"(*a*) and (*b*) The condition of the Strand-bank road to the north of the Bridge, under the Port Commissioners, is not nearly so deplorable as depicted by the Hon'ble Member.

"The road from the floating bridge to Chitpore, with the exception of three or four very small patches, is in excellent repair. Near Nandibari Ghât the river has undermined the road retaining wall, but this is being repaired at a cost of Rs. 49,500; and in spite of this a good road is maintained with ample protection for passenger and vehicular traffic.

"(*c*) Prasanna Coomar Tagore's Ghât consists of a flight of steps approaching the bed of the river which is dry at low water. The slope is very easy and even, and there is no danger or risk to women bathing at this place. At other places on the river bank, the silt has accumulated until it is nearly up to the road-level, but it is practically impossible to deal with the difficulty until the Port Commissioners' scheme for reclaiming a large area of this shoal-water is carried out.

"The Hon'ble Member is doubtless aware of all the facts of the case, as he himself was a Port Commissioner from October, 1904, to October, 1906."

CASE OF SACHINDRA KUMAR BOSE.

The Hon'ble Babu Radha Charan Pal said:—

(*a*) In reply to my question of the 2nd February last requesting the Government to kindly publish the Police inquiry regarding the tragic and suspicious death of a young Hindu of a respectable family, named Sachindra Kumar Bose, the Hon'ble Mr. Carlyle, Chief Secretary, was pleased to state that it was still under investigation, and that it would not serve any useful purpose to publish an incomplete Police inquiry. Will the Government be pleased to state whether the inquiry is now complete, and whether the Government is in a position now to publish it?

[*Babu Radha Charan Pal*; *Mr. Gait*; *Babu Bhupendra Nath Basu.*]

(*b*) Is it a fact that Babu Baroda Prosad Bose, the eldest brother of the deceased, applied to the Deputy Inspector-General of the Criminal Investigation Department for inquiry into the case by an expert detective, offering at the same time to pay Rs. 500 to the person or persons who shall be able to trace the cause of the death of the young man and to detect the murderer, if any, in the case?

(*c*) If so, whether any expert detective was engaged, and whether any reward was notified?

The Hon'ble MR. GAIT replied:—

"(*a*) I have handed to the Hon'ble Member a statement showing the result of the inquiry.

(*b*) and (*c*) The reward was offered, not to the public but to the 'investigating officer who solved the mystery.' The offer was, therefore, not published in the Gazette. The case was inquired into personally by Mr. Cornish and by a specially-selected officer of the Government Railway Police, who has since been taken into the Criminal Investigation Department. It also received the personal attention of Mr. Hyde, Mr. Duff and the Deputy Inspector-General for Crime and Railways.

Statement referred to in the above answer.

'Since Mr. Carlyle's answer was given, the four persons who travelled in the same compartment with the late Sachindra Kumar Bose on the night of his death have been traced and questioned. The result leaves very little doubt as to the fact that his death was accidental. It appears from their statements that the door of the bath-room got jammed and that a *mistri* was called in at Khurda Road station between 9 and 10 P.M. to plane it. This statement has been verified by questioning the *mistri* and by an examination of the door. The deceased was still reading when the other occupants of the compartment went to sleep. One of them woke up about 1 A.M. and endeavoured to enter the bath-room. Being unable to open the door he concluded that the deceased was there and used the bath-room of the adjoining compartment, the door between the two compartments being open. In the morning, the other occupants of the compartment, finding the door still jammed, used force and succeeded in opening it. The bath-room was empty. They did not think of informing the police of the disappearance of the deceased, because they assumed that he must have been left behind at some intermediate station. From the place where his body was found, it is clear that he must have fallen from the train shortly before midnight; and, having regard to the facts regarding the bath-room door, it is reasonable to infer that he visited the bath-room before settling down for the night, that the door again got jammed, and that, being unable to make himself heard or get out of the bath-room by the door, he attempted to do so by getting out through the window and, in so doing, fell from the train. Both the compartment in which the deceased was travelling and the adjoining compartment were full of people; and it is difficult to believe that there can have been any foul play. The other travellers were all respectable persons, and they were entire strangers to the deceased. None of his property was missing, except his walking-stick and a newspaper. There is absolutely no reason why his fellow-passengers should have done him any harm, and no one from outside could have entered the carriage and thrown him out without their knowledge.'

CHIEF PRESIDENCY MAGISTRATE, CALCUTTA.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(*a*) Will the Government be pleased to state how it proposes to fill up the vacancy arising by reason of the medical leave granted to Mr. Kingsford, the present Chief Magistrate of the Calcutta Police Court?

[*Babu Bhupendra Nath Basu; Mr. Gait; Mr. Streatfeild; Mr. Slacke.*]

(*b*) Is it the intention of the Government to give the appointment to a member of the Civil Service?

(*c*) Has not the present 2nd Presidency Magistrate officiated for the Chief Magistrate on a previous occasion?

(*d*) Does the Government consider it would be conducive to the interests of the administration if an outsider is brought in superseding the claims of the holders of the appointments next in order to that of the Chief Presidency Magistrate?

The Hon'ble Mr. Gait replied:—

"It is not at all certain that Mr. Kingsford will have to take leave. It is hoped that it will not be necessary for him to do so."

ADMINISTRATION AND RE-CONSTITUTION OF THE SONTHAL PARGANAS.

The Hon'ble Babu Bhupendra Nath Basu, in the absence of the Hon'ble Babu Jogendra Nath Mukharji, asked:—

(*a*) Will the Government be pleased to state whether the questions raised in course of the last Budget debate regarding the administration and re-constitution of the Sonthal Parganas have been considered by it? If so, at what stage of consideration they are at present?

(*b*) Will the Government be pleased to state when it will be in a position either to pronounce its decision or to submit its proposals regarding the Sonthal Parganas to the Government of India?

The Hon'ble Mr. Streatfeild replied:—

"The report of the Commissioner of the Bhagalpur Division on the subject of the administration of the Sonthal Parganas has not yet reached Government. The question is one of some complexity owing to the diversity of classes and races whose interests have to be considered, and Government is not at present in a position to make any definite pronouncement as to when a final decision is likely to be arrived at. It is proposed to hold a Conference to discuss this matter during the coming cold season after the Commissioner's report is received."

THE CALCUTTA PORT (AMENDMENT) BILL, 1907.

The Hon'ble Mr. Slacke moved for leave to introduce a Bill to amend the Calcutta Port Act, 1890. He said:—

"I think it is needless for me to enter into any detailed account which led to this Bill being drafted, since the reasons are very clearly shown in the Statement of Objects and Reasons."

The motion was put and agreed to.

The Hon'ble Mr. Slacke introduced the Bill and moved that it be read in Council.

The motion was put and agreed to, and Secretary accordingly read the title of the Bill.

The Hon'ble Mr. Slacke also moved that the Bill be taken into consideration by the Council at the next meeting. He said:—

"Since the publication of the Bill it has been proposed to insert an additional clause for the purpose of enabling the Port Commissioners to issue debentures in such form as may suit the public. The amendment which has just been printed has received the sanction of the Government of India, and will be circulated amongst Hon'ble Members before the next meeting of Council for their consideration. With these remarks, I would ask that the Bill be taken into consideration at the next meeting of Council.

The motion was put and agreed to.

[*Mr. Gait*; *Babu Radha Charan Pal.*]

THE CALCUTTA AND SUBURBAN POLICE (AMENDMEN BILL, 1907.

The Hon'ble MR. GAIT moved for leave to introduce a Bill to amend Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866. said:—

"Sir, I have to move for leave to introduce a Bill to amend the Calcu Police Act, IV of 1866, and the Calcutta Suburban Police Act, II of 1866. T object of the Bill is to enable the Commissioner of Police, Calcutta, to or the discontinuance of the use of houses as brothels, or for the purposes of p titution, or as places of assignation, in the town of Calcutta.

"The evils attendant on the existence of houses of ill-fame in close pr imity to colleges, schools and hostels have long been recognized; and f years ago, a Bill was introduced into this Council, which afterwards became Bengal Disorderly Houses Act, 1906, with the object of enabling the Dist Magistrate to take action to close such houses in Mufassal Municipalities a in any other areas outside Calcutta to which the Act might be extended. T circumstances of Calcutta are peculiar, and it was impossible to provide for t City in the general Act for Bengal. As soon as the latter had been pas the question of legislating for Calcutta was taken up, and the Bill which I n ask leave to introduce is the result. It has been drafted on the lines rec mended by an influential Committee, presided over by Mr. Justice Geidt, wh was appointed last year by His Honour the Lieutenant-Governor to consider whole question. Its provisions are much the same as those of the Act now force in the rest of the Province. Special provision has been made, however, the so-called 'empty houses' which are used as places of assignation.

"The Bill takes the form of an amendment of the Calcutta and Calcu Suburban Police Acts, 1866, and the opportunity has been taken to m certain other minor amendments in those Acts which experience has shown be necessary.

"The proposed amendments are explained in detail in the Statement Objects and Reasons, which accompanies the Bill."

The Hon'ble BABU RADHA CHARAN PAL said:—"Your Honour welcome the introduction of this Bill, as it gives power to the Police to c with houses of ill-fame and disorderly houses in the vicinity of any educatio institution, or of any boarding-house, hostel or mess used or occupied students, or any place of public worship or recreation. In this respect gives a wider scope to the powers of the Police in closing such hou Further, the Bill gives power to the Police to close any house, room or plac the town which is used for immoral purposes. I find this amendment of sec 43 of Bengal Act IV of 1866 applies to the Calcutta Police only, and does apply to the Suburban Police, which is also under the Commissioner of Pol The new provision should apply equally to Calcutta and its Suburbs, for as Y Honour is well aware that the suburbs is expanding and peopled by large increasing population of *bhadra-loka* class. I am sure this is an oversight, a hope in the Select Committee section 17 of the Calcutta Suburban Police of 1866, which corresponds with section 43 of the Calcutta Police Act, also be amended.

"The Bill, however, makes a fundamental change in the procedure to adopted by the Police in closing such houses. Under the present Act, the C missioner of Police is bound to issue a summons to the owner or occupie a house to appear before him to answer to the charge of allowing a hous be used for immoral or disorderly purposes. He is obliged to hold a reg judicial inquiry in which the accused may be defended by a counsel or a ple and the witnesses may be examined and cross-examined. A regular tri held, and all the facts are elucidated, and the Commissioner is enable come to a right finding. This wholesome procedure, I find, is contemplate be abolished. The Police Commissioner will be vested with summary po and the judicial inquiry will be substituted by departmental inquiry b chiefly on the information and report of subordinate police officers, wit

allowing the accused the right of legal defence or the right of appeal, which it is the proud privilege of the meanest subject of the British Crown, even if he is a murderer caught red-handed in the streets of Calcutta.

"Your Honour will be pleased to observe that 'summons to the owner or occupier of a house' in the original Act is proposed to be substituted by a simple 'notice.' I am afraid this may be productive of difficulties to innocent and ignorant owners and occupiers. There is no provision to prove the due service of notice, and there is nothing to prevent the *ex-parte* decision of the Commissioner of Police in the absence of the accused. The service of the summons must be proved, and if the person summoned does not attend, the Commissioner may issue a warrant for the attendance of the accused. At any rate, the accused, owner or occupier of a house, under the present Act, must know the action taken against him, whereas under the proposed law it may be so manipulated by inimically-disposed persons that the service of notice may not be made on the right party and the case disposed of behind his back.

"It is worthy of note that in the proposed Bill in section 43D, while the Commissioner's decision directing the discontinuance of music in certain cases is appealable by an aggrieved person to a Magistrate, his order as regards alleged places of ill-fame and disorderly houses, based not on judicial inquiry as at present but on more executive inquiry in which the subordinate Police will largely share, shall not be questioned in any Court of Law. It is provided in the proposed section 43B that the failure to comply with the order of the Commissioner will render the owner or occupier of a house to penalty of a daily fine or imprisonment, unless he is able to prove before the Magistrate that the order should have been passed against some other person than himself. I submit to Your Honour that the accused should not be fettered in his defence. He should not be deprived of his right to question whether the Commissioner's decision is correct or not, more especially as it will be based on summary inquiry. It is obviously hard and unfair that he is not only required to prove his innocence but also to prove that some one else is guilty, and that the order should be passed against that person. It may be that in a certain case the information given by the thana people is entirely wrong or is the outcome of some malicious and designing person who wants to molest the owner or occupier of a house. Such an unfortunate man or woman will be exposed to all sorts of harassment and oppression in the hands of the Police, and to take away the right of judicial investigation of the case is to make over a British subject to the tender mercy of the Police, bound hand and foot.

"Your Honour, by all means let the houses of ill-fame be closed, which is the noble object of the Bill and with which we all sympathize, but I cannot endorse the extinction of the right of an aggrieved person to question the legality and propriety of an executive order in a Court of Law and thus open a wide door of oppression and malpractice to the Police which occupies a not enviable position in this City. We are proud to live under the aegis of British rule. We are grateful for the blessings of peace and security, and I fervently hope that no Act of the Legislature will be so framed that it will take away that security and make the people's existence dependent upon the good grace of the Police.

"Before I sit down I desire to draw Your Honour's attention to section 43C of the Act which gives power to the owner or lessor to determine the lease or tenancy of any house in respect to which an order of closure has been passed. I submit a similar power ought to be given to the lessee, tenant or occupier to terminate the lease, notwithstanding anything contained in any other law for the time being in force.

The Hon'ble BABU BHUPENDRA NATH BASU said:—"I must congratulate Your Honour's Government on the introduction of this measure in Council, and on behalf of that large interest which I have the honour to represent in Your Honour's Council—the education of the Province of Bengal. I have to offer our humble thanks to Your Honour personally for the interest which

[*Babu Bhupendra Nath Basu.*]

Your Honour has taken in this measure. And, Sir, it may not be perhaps out of place for me to mention to my colleagues that not long ago I had taken the liberty to invite Your Honour to pass through one of the most crowded and busy thoroughfares of this City to inspect for yourself the social conditions which prevailed in that locality to the very serious detriment of the morals of our young men in particular and of the public in general. Your Honour was good enough on the occasion when Your Honour attended the prize distribution of the Oriental Seminary, which has the misfortune of being situated in Chitpur Road, to take early steps for the mitigation of the nuisance with which the people of Calcutta were threatened, and I am glad that during Your Honour's tenure of office this Bill has been introduced.

"For a long time past the people of Calcutta, as well as of the Mufassal, have submitted representations to Government, both in public meetings as well as by memorials, that some summary power should be vested in the executive authorities to deal with this class of nuisance. In the City of Calcutta itself, this nuisance has been recognized for a long time past as a grave and a serious danger. I remember many years ago a young man committed a murder in a house of ill-fame in College Street. The people of Calcutta represented the matter to the then Commissioner of Police, Sir John Lambert, who took prompt steps to remove the nuisance from the vicinity of the colleges and schools situated in College Square. With the usual vigor that characterized Sir John Lambert, he took the measure in hand and promptly removed those houses from the neighbourhood of the Presidency College with the result that ever since this sad tragedy, which took place about twenty years ago, a similar case has not occurred; but I have been told by friends and guardians of boys in the mufassal that they find it very difficult to send their young boys to Calcutta to attend schools, where they find the thoroughfares leading to the schools and colleges so beset with temptations, a grievance with which Your Honour has openly expressed your sympathy while inaugurating the scheme of establishing a College at Ranchi.

"This measure, if passed into law, will place in the hands of the Police an effective weapon in dealing with this class of nuisances, and I hope at no distant time it will free those streets of Calcutta from one of the greatest blots. It is intolerable that our schools, colleges and hostels, which, under the new system of University education, must be a feature of education, should be surrounded as they are at present by these houses of ill-fame, and that our young men should be exposed to all the temptations of such life away from parental control. Therefore, on behalf of the interests which I have the honour to represent in this Council, as well as on behalf of the public, I welcome the introduction of this measure. I do not think it will be presumptuous on my part to congratulate myself that I have been to some extent, though in a very humble degree, instrumental in bringing about this measure.

"I can quite appreciate the objections which my friend, the Hon'ble Babu Radha Charan Pal, has raised, namely, that the powers given may at times be a dangerous weapon in the hands of the Police, that they may be an instrument of oppression upon the innocent and the ignorant. I find that my name is proposed as a Member of the Select Committee which is to sit to consider the provisions of this Bill. I will therefore not commit myself to any opinion upon the matters which have been raised by my friend, but associated as I have been with three or four Commissioners of Police of Calcutta in succession, I am able to bear testimony that, so far as these gentlemen are concerned, they may be safely trusted to exercise the powers to be conferred on them by this Bill with discretion, moderation and judgment. If the Commissioner of Police cannot remove a house of ill-fame from a prominent place in Calcutta unless the whole thing has to be threshed out in a Court of Law, it will, I am afraid, be of little use to introduce legislation like this into our Statute Book, and I know, Sir, from experience in the past, that Commissioners of Police in succession, on many occasions when approached by respectable residents of a locality, have experienced great difficulty in dealing with the question, inasmuch as they would have had to hold a judicial inquiry, in the nature of a trial, and go through

all the processes which such an inquiry involves, and at the end probably leads to nothing, but at the same time I fully sympathise with the apprehensions which my friend entertains, and I am sure they will be given proper consideration in the Select Committee and, if possible, safeguards will be introduced to protect the innocent from oppression, and at the same time enable those who are victims of a nuisance like this to protect their children from contamination.

"There is one other provision in this Bill to which some exception has been taken in some quarters, namely, the power of the Commissioner to prevent noises, musical or otherwise, in certain places and on certain occasions; the late instance in which magisterial slumbers were disturbed by holy music in a way in which, as the Magistrate expressed it, made 'night hideous', has not unjustly raised an apprehension in some quarters that this law might be utilized for purposes like these, and that the performance of religious exercises or devotions might be interfered with. The Bill, however, makes clear provision that no religious music is to be interfered with, and to those Members of this Council who are residents of Calcutta, I may safely say that there are occasions when, during day or night, whether at home or in public streets, it may safely be put an end to.

"I do think that the provisions of this Bill generally are wholesome, and I am sure the objections which my hon'ble friend has promulgated will be fully considered in the Select Committee, so that the Bill may be ultimately so framed as to be free from all objections."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"I also beg to offer my congratulations to Your Honour on the introduction of this Bill as to which much need not be said at this stage, but certain objections have been raised to certain sections of the Bill to which a few observations should be made. The Hon'ble Babu Radha Charan Pal has objected to section 43B on the ground that the decision of a Magistrate on the question, whether an order of the Commissioner of Police should have been passed against some person other than the accused, is final. This section is what is called the penalty section, and if an order is disobeyed, there must be the ordinary penal provision. I fail to see, therefore, the force of the objection raised as against section 43B. Then, again, objection is raised to section 43, sub-section (*4*), which provides that—

'The decision of the Commissioner of Police that a house, room or place is used in any manner, or for any purpose, described in clauses (*a*), (*b*), (*c*) or (*d*) of sub-section (*1*), shall be final, and the legality or propriety thereof shall not be questioned in any trial or judicial proceeding in any Court.'

"Some power should be given to the Commissioner to make a speedy inquiry, and the clause has been introduced to avoid the delay which, under the present state of the law, takes place. I cannot say, without further consideration, whether the wording of the section is as it should be, but that there should be a speedy procedure admits of no question. I cannot see the justice of the observations that any such beneficient measures tend to endanger British justice. I do not see why reference should be made to this on every occasion. Then section 43D is a section which requires some consideration. As to the objections raised in the Press to which my friend, the Hon'ble Babu Bhupendra Nath Basu, has referred on the ground of the law being put into operation when there is a disturbance of magisterial slumbers, the part of the Bill dealing with the matter may require to be slightly amended. With these observations, I beg to support the Bill on principle."

The motion was put and agreed to.

The Hon'ble MR. GAIT introduced the Bill and moved that it be read in Council.

The motion was put and agreed to, and Secretary accordingly read the title of the Bill.

[*Mr. Gait.*]

The Hon'ble MR. GAIT said:—"Sir, I have just moved for leave to introduce a Bill to amend the Calcutta Police Act, IV of 1866, and the Calcutta Suburban Police Act, II of 1866, giving the Commissioner of Police, Calcutta, power to order the discontinuance of the use of certain houses of ill-fame in the town and suburbs of Calcutta, and the same having been introduced and read in Council, I have to move that it be referred to a Select Committee consisting of the Hon'ble Mr. Collin, the Hon'ble Mr. Allen, the Hon'ble Babu Bhupendra Nath Basu, the Hon'ble Babu Radha Charan Pal, the Hon'ble Babu Jogendra Chandra Ghose and the Mover.

The motion was put and agreed to.

The Council was then adjourned to Saturday, the 7th September, 1907.

CALCUTTA;
The 8th August, 1907.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press.—5-81907.—12631—300—J. S.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 7th September, 1907, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. E. A. GAIT, C.I.E.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. H. C. STREATFEILD.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU JOGENDRA NATH MUKHARJI, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

The Hon'ble RAJA BAN BIHARI KAPUR, C.S.I.

The Hon'ble BABU KALI PADA GHOSH, M.A., B.L.

The Hon'ble MR. G. H. SUTHERLAND.

The Hon'ble RAI KISHORI LAL GOSWAMI BAHADUR, MA., B.L.

NEW MEMBERS.

The Hon'ble MR. G. GORDON and the Hon'ble RAI KISHORI LAL GOSWAMI BAHADUR, M.A., B.L., took their seats in Council.

QUESTIONS AND ANSWERS.

MAGRAHAT DRAINAGE SCHEME.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) When was the work in connection with the Magrahat Drainage Scheme started in the sub-division of Diamond Harbour? Is there any time specified for the completion of the work?

(*b*) What progress has been made in the work?

(*c*) Having regard to the importance of the work, both from agricultural and sanitary point of view, does not the Government think that the work should be expedited and completed as soon as possible and practicable?

The Hon'ble MR. GAIT replied:—

"(*a*) The work in connection with the Magrahat Drainage Scheme was commenced in November, 1904. The answer to the second part of the question is in the negative.

"(*b*) About one-third of the work has been completed to end of June, 1907.

"(*c*) Government recognizes the importance of the work, which is being pushed on as quickly as practicable. Pending its completion, satisfactory arrangements have been made to utilize the portion of the work already constructed."

HIGH PRICE OF RICE.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Has the attention of the Government been drawn to the alarmingly high price of rice prevailing in the country? How long, in the opinion of the Government, is the present high price likely to continue?

(*b*) What damage has been done by the last cyclone and consequent flood to the agricultural outturn of the country, both as regards the jute and paddy cultivation, in each district under the Local Government?

If there is a likelihood of a further rise in the price of rice, as is apprehended, does not the Government consider it necessary to take timely steps so that the poor may not die of starvation?

(*c*) Is the stock of rice and paddy in the province sufficient to meet the demand till the next harvest is reaped? If not, what steps does the Government intend to take to fill up the deficit in the supply?

(*d*) Having regard to the high price of rice and its tendency to increase, and to the distress it has already entailed upon the salaried *Bhadra lok* class, will the Government be pleased to consider the desirability of raising the rate of grain compensation allowance now paid to the poorly-paid Government servants, and to extend it to all Government servants drawing Rs. 50 or less *per mensem*?

The Hon'ble MR. GAIT replied:—

"(*a*) The Hon'ble Member's attention is invited to the answer to a question on the same subject given by the Hon'ble Mr. Carlyle at the Council Meeting held on the 23rd March, 1907; and to the discussions which took place in connection with the Financial Statement for 1907-08. Further inquiries have since been made regarding the high prices prevailing, and a report has been received from the Director of Agriculture, a copy of which is laid upon the table. It is difficult to say how long the present high prices are likely to continue. There are already some signs of their weakening; and if the season continues to be favourable, it is hoped that a considerable decline will soon occur.

"(*b*) The Hon'ble Member is referred to the Weekly Weather and Crop Reports which are published in the Calcutta Gazette. Comparatively little damage was caused by the cyclone and consequent flood mentioned in the question. The present agricultural prospects are generally favourable, but somewhat serious floods have just been reported from Cuttack.

"(*c*) The reports received from District Officers go to show that stocks are sufficient to last till the next harvest.

"(*d*) It is not considered desirable at present either to raise the rate of the grain compensation allowances or to extend the concession to all Government servants drawing Rs. 50 or less a month."

NOTE ON THE PRESENT HIGH PRICES OF FOOD-GRAINS AND POSSIBLE CAUSES THEREFOR.

THE annexed Statement I shows the average price, in seers per rupee, of common rice, wheat and maize in this Province during the past seven years.

2. Statement II shows the average price of the same food-grains on the 15th of last month as compared with the prices reckoned hitherto as normal for the Province, showing in each case the percentage of increase over the normal price.

3. It will be observed from Statement I that while the average prices varied little from the normal during the six years 1900 to 1905 (inclusive), they suddenly rose in 1906 in a very remarkable manner, this rise becoming accentuated during the current year, till on the 15th of last month the average price of rice (taking this Province as a whole) was 58 per cent. above the previous normal, the price of wheat 26 per cent., and the price of maize 70 per cent. above that normal.

4. This extraordinary rise in the prices of food-grains cannot be ascribed to any single cause. It has not been confined to this Province. Prices have risen all over India; and the rapidity of the rise has attracted attention in other Provinces as well as this. While, then certain reasons may be suggested as having tended to raise prices in this Province, other causes may have operated in other Provinces leading to a similar rise; and with the present facilities of intercommunication between all parts of the country, a general rise of prices in other Provinces must inevitably lead to a corresponding rise in this Province. In this note I propose to discuss the conditions obtaining in this Province that have probably helped towards bringing about this marked increase in the prices of food-grains.

5. The annexed Statement III gives for this Province the normal area cultivated with rice, wheat and maize, the normal rate of yield hitherto adopted, the normal yield, and the area cultivated, percentage of outturn and estimated yield in each of the years 1904-05, 1905-06 and 1906-07. Taking this Province alone, during the three years 1904-05, 1905-06 and 1906-07 there has been a total deficit of 188,148,100 cwts., or 25,60,90,469 maunds in respect of the three crops referred to, or nearly two-thirds of a normal year's produce of the three crops together. It will be observed also from this statement that rice is by far the most important food-crop in this Province. The area under rice, moreover, in the Province forms a large part of the total area under this crop in India. In the case of wheat, the area cultivated in this Province is comparatively small, and the price of wheat over India generally is, therefore, little affected by the conditions in Bengal. Maize also is of very minor importance in this Province. It is chiefly grown in the Bihar districts, where it has during the last two years suffered to an abnormal extent from floods, the produce of the two years 1905-06 and 1906-07 together being estimated as less than the normal produce of a single year. In these districts maize is an important food-staple for several months of the year, and the extraordinary shortage of supply and rise in price would naturally affect the price of rice also. This is evidenced by the large increase in the imports of rice into the Bihar "block." But the great food-staple of this Province is rice, and it may be said to be the only food-staple in respect of which a review of the conditions in this Province alone can be expected to lead to any conclusions of importance. In the case of other food-staples, it would be necessary, before any reliable conclusions could be drawn, to know the conditions that have prevailed in other Provinces, and to collect statistics and information from all parts of India, which it is not possible for me to do My remarks will necessarily, therefore, be confined chiefly to rice.

6. Statement IV shows the outturn of total rice (autumn, winter and summer) in the two Provinces of Bengal and Eastern Bengal and Assam in 1905 and in 1906, as compared with the normal outturn. This statement shows a deficit for the two years of 27,07,04,040 maunds as compared with the normal outturn. In considering all these figures, however, it must be clearly understood that they were merely estimates; and frequently such estimates are very inaccurate. In order to realize better how very difficult it is to make an accurate estimate of the outturn of crops where the greater portion thereof is consumed by the people themselves locally, and there is no means of checking the estimate by comparison with trade figures (as there is, for instance, in the case of indigo and jute), I would mention that in 1903 a memorandum was drawn up in the Department of Land Records on the subject of the production and consumption of food-grains in Bengal. The result of the elaborate calculations then made was that the total outturn of all food-grains and pulses in the old Province of Bengal amounted to about 21,377,000 tons, or 58,19,29,444 maunds. The figures for the normal produce of all kinds of rice hitherto accepted show an outturn of 57,57,49,864 maunds for the two Provinces, leaving only 61,79,580 maunds for all other food-grains and pulses. Comparing these figures, it is evident that either the normal outturn of all food-grains and pulses has been under-estimated, or that the normal outturn of rice has been over-estimated. Again, taking the ten years, 1895-96 to 1904-05, I find on adding up the figures for outturn of rice (including paddy converted into rice at the rate of 25 seers of rice to 1 maund of paddy) that the average estimated actual outturn of rice *per annum* in the two Provinces of Bengal and Eastern Bengal and Assam comes to 44,44,95,314 maunds, as compared with 57,57,49,864 maunds, the figure accepted hitherto as the normal outturn *per annum* for the two Provinces combined. If the latter figure be adopted as the

normal outturn of rice, we would get a gross normal outturn in ten years of 5,75,74,98,640 maunds. Taking the figures of actual outturn as estimated each year, we get a gross actual outturn during the ten years of 4,44,49,53,140 maunds. That is to say, these figures would indicate that during the period of ten years (1895-96 to 1904-05) there was a gross total deficit (as compared with the normal) of 1,31,25,45,500 maunds of rice. This latter figure is more than 2½ times the estimated normal outturn of all food-grains in the old Province! In the same memorandum referred to above, the total ordinary consumption of food-grains in the old Province of Bengal was estimated to be 54,70,30,555 maunds. Thus the total deficit in the outturn of rice during the ten year period quoted would amount to nearly 2½ times the total ordinary annual consumption of food-grains and pulses in the old Province. I may mention that the estimate of consumption included the consumption for human food, for seed and for cattle food, with a large allowance for wastage. Manifestly these figures are unreliable. However, the figures showing the estimated outturn, year by year, are, at all events, of some comparative value, and it will be seen that they indicate a very large deficiency in the outturn of rice during the past two years.

7. Resorting next to the figures of import and export, so far as they are available, I find that the average total annual imports of rice (and paddy converted into rice) for the ten year period 1895-96 to 1904-05, inclusive, amounted to 13,645,989 cwts.; and that the average annual total exports amounted to 22,888,433 cwts. The excess of exports over the imports of rice thus amounted on the average to 9,242,444 cwts, or 1,25,79,993 maunds *per annum*. These figures are for the old Province of Bengal before partition and also for the Calcutta port. They include the traffic by rail, by river, coast-wise and foreign.

8. In 1906-07 the imports of rice (including paddy converted into rice) by rail and river into Calcutta amounted to 1,19,28,679 maunds; the imports into the rest of this Province amounted to 41,79,710 maunds. During the same period, the exports from Calcutta by rail and river of rice (including paddy converted into rice) amounted to 79,61,838 maunds, and the exports from the rest of this Province amounted to 1,29,36,967 maunds Thus, *so far as rail and river-borne traffic is concerned*, the exports slightly exceeded the imports. *Prima facie* these figures would seem to indicate that the stock of rice in this Province was more than sufficient for the consumption of the people; but, on the other hand, it must be remembered that the very high prices obtainable for rice may have induced the people to export it and purchase cheaper food-grains.

9. Looking to the Maritime Trade of the Province, I find that during the year 1906-07, 4,040,935 cwts. of rice were exported, as compared with 8,185,155 cwts. in 1905-06 and an average of 6,206,844 cwts. during the five years 1900 to 1905. On the other hand, about 6½ million cwts. of rice were imported in 1906-07, most of which appears to have come from Burma. The total exports of rice (including paddy converted into rice) from this Province to the Province of Eastern Bengal and Assam by rail and river during 1906-07, as far as figures can be obtained, seem to have been 70,57,911 maunds; while the total imports of rice into this Province from Eastern Bengal and Assam would seem to have been 15,17, 452 maunds, showing an excess of 55,40,459 maunds in favour of exports. Adding to these the figures for sea-borne trade, the excess of exports of rice from this Province to Eastern Bengal and Assam over imports from Eastern Bengal and Assam into this Province during 1906-07 was 55,54,846 maunds.

10. It has been asked more than once whether the prevailing high prices are due in any way to excessive exports of food-grains. I find from the most recent returns of the Maritime Trade of this Province that while the total exports of food-grains and flour have decreased from an average annual value of 534 lakhs of rupees during the five years 1900 to 1905 to 313 lakhs of rupees in 1906-07, the value of the imports of grain and pulse by coasting trade only rose from 32 lakhs of rupees in 1905-06 to 341 lakhs of rupees in 1906-07 This very remarkable increase in imports in 1906-07 is due almost wholly to imports of rice from Burma.

11. Taking the figures for the whole of India recently published by the Director-General of Commercial Intelligence, it will be seen that the total exports of rice abroad during the year 1906-07 amounted to 38,704,000 cwts. as compared with 43,037,000 cwts in 1905-06 and an average of 47,324,000 cwts. during the three years 1902-03 to 1904-05 Not only did the exports of rice from the whole of India decrease, but the exports of wheat of food-grains other than rice and wheat and of provisions also fell considerably in 1906-07 These facts show conclusively that the rise in prices is not due to increased exports.

12. Another set of figures which I have been able to obtain from the office of the Director-General of Commercial Intelligence shows that the total imports of rice and paddy (converted into rice) into the Calcutta block by all routes during the year 1906-07 was 2,01,85,819 maunds as compared with 1,78,07,359 maunds in 1905-06, and 1,53,34,225 maunds in 1904-05, while the exports amounted to 1,50,01,855 maunds in 1906-07 as compared with 1,53,17,323 maunds in 1905-06 and 1,28,91,041 maunds in 1904-05 (*vide* Statement V appended).

13. Statement VI appended shows the imports of all food-grains into the old Province of Bengal as it stood before partition by all routes during the years 1901-02 to 1905-06 and the imports into the present Province of Bengal during the year 1906-07. Unfortunately the figures in respect of Eastern Bengal and Assam for the latter year are not yet available.

14. The figures showing the imports of rice from Burma into Bengal and into Eastern Bengal and Assam during the year 1906-07 are, however, available. They show that 5,530,816 cwts. were imported during 1906-07 into Bengal, as compared with 273,299 cwts. 1905-06, and 4,780,119 cwts. were imported into Eastern Bengal and Assam in 1906-07,

ompared with 531,097 in 1905-06; or a total of 10,310,935 cwts. were imported into the wo Provinces as compared with 804,396 cwts. in the previous year. The trade statistics show that most of the rice imported into this Province from Burma was re-exported to Eastern Bengal and Assam, *i.e.*, merely passed through Calcutta. The increased imports from Burma amounted in quantity to 9,506,539 cwts., and in value to Rs. 4,41,69,858.

15. Statement VIII shows the trade in rice between the different trade-blocks of the Province during the past five years: the figures up to 1905-06 refer to the old Province (before partition); the figures for 1906-07 refer to the present Province of Bengal. It will be observed from this statement that considerable change in the movements of rice has taken place during the past two years, more especially in 1906-07, the most marked feature being the sudden increase in exports from the Western Bengal and Orissa "blocks" and the large increase in imports last year into the Eastern Bengal and Bihar "blocks." The figures corroborate generally the local estimates of the outturn of the paddy crops. It will be noticed that while Chota Nagpur generally imports rice, in 1906-07 it exported much more than it imported. Local enquiries show that where exports exceeded imports, the rice was sent either to Calcutta, or to Eastern Bengal and Assam districts by more direct routes. Owing to a succession of bad harvests, Bihar had to import rice from Bengal as well as other food-grains from the United Provinces and the Panjab.

16. It has also been asserted in certain quarters that the rise in prices is due to the reduction in the area cultivated with rice, in consequence of the increase in the area cultivated with jute. The figures in Statement VII appended will show how little foundation there is for this assertion. Although the total area under jute in the two Provinces has increased during the past six years by more than one million acres, there has been no corresponding decrease in the area under rice. In fact, the tendency during the same six years has on the whole, so far as the returns show, been for the area under rice to increase. The figures for rice for the last year of the period were somewhat exceptional, and were due to an unfavourable season, to want of rain at sowing time and to floods later on. There is, moreover, I may mention, evidence to show that the practice of growing winter paddy after jute on the same land is slowly gaining ground.

17. There is one matter, however, in connection with the cultivation of jute that calls for special attention, that is the remarkable rise in the prices paid for the produce of last year's crop as compared with the prices paid in previous years. Statement IX shows for the last three years the estimated area under jute, the estimated outturn, the estimated average wholesale price at Calcutta and the estimated value of the produce according to these rates. The figures of value must of course be regarded as only approximately correct. They would go to show that the total value at Calcutta of the produce of jute cultivation rose from Rs. 20,09,38,412 in 1904-05 to Rs. 26,88,07,770 in 1905-06 and to Rs. 41,31,35,843 in 1906-07. The Director-General of Commercial Intelligence, in his review of the Trade of India in 1906-07, makes the following remarks in this connection:—

"A careful estimate of the sums paid to cultivators for jute in the different districts shows the total farm value to have been some forty crores of rupees, of which about fifteen and-a-half crores were clear profit. And a marked rise in the selling price of one form of produce induces a rise in the prices of all crops for which it can be readily substituted. Whereas Bengal, together with Eastern Bengal and Assam, imported rice to a value exceeding that of the previous year by Rs. 441·7 lakhs, they together exported raw jute exceeding the previous year's record by Rs. 968·9 lakhs."

18. These figures alone are, in my opinion, sufficient to account in a very large measure for a general rise in the prices of food-grains so far as this Province and the Province of Eastern Bengal and Assam are concerned. The unusual access of ready cash must have enabled all connected with the cultivation of jute to raise their standard of living, to purchase more food and to pay higher prices for it. The area under jute in this Province last year was only about 23 per cent. of the total area under jute in the two Provinces. All the most important jute-growing districts have been transferred to the new Province of Eastern Bengal and Assam. It would be very interesting to see whether the principal jute-growing districts in that Province had taken the largest part of the imports of rice, as might be expected from the ready money at the disposal of the cultivators therein; but the figures of imports and exports for each district of that Province are not available to me I have drawn up a statement showing the imports and exports of food-grains in respect of the chief jute-growing districts in this Province. No very definite conclusions can be drawn from the figures therein, but it will be noticed that, with the exception of the district of Murshidabad, in all the districts in which more than 20,000 acres were under jute last year, the imports of food-grains were largely in excess of the exports (*vide* Statement X).

19. The Director of Agriculture, Eastern Bengal and Assam, in a note of which he has sent me a copy, suggests that the principal causes that have affected the price of rice in 1906 and the current year in that Province may be placed in order of importance as follows:—

(1) The partial failure of the winter rice crop of 1905-06 which reduced the total outturn to about two-thirds of the normal, equivalent to a deficiency of 5½ crores of maunds, which was followed by

(2) a similar partial failure of the autumn crop of 1906, equivalent to a further deficiency of 1½th crores of maunds (estimating 9½ maunds of rice as the normal outturn per acre).

(3) The large profits obtained by the cultivators from jute

(4) The dislike for Burma rice.

20. I have consulted all the District Officers in this Province on the subject. The consensus of opinion thus obtained indicates that the following causes have combined to raise prices in this Province:—

(1) The short outturn of the harvests of the past two years.
(2) Large exports to Eastern Bengal and Assam direct and to Calcutta.
(3) The large profits made by the cultivation of jute.
(4) A general rise in the standard of living among the people.

21. It has been suggested that the result has to some extent been brought about by a spread of combination among the grain dealers all over the country. Of this it is, as will be readily understood, difficult to obtain any direct evidence. But many District Officers suspect that such combination has influenced the market to some extent. In this connection a reference is invited to the figures in Statement V, which show that a much larger quantity of rice has been held up in Calcutta during the past year, as compared with previous years. There can be little doubt, I think, that the greatly increased facilities in communication by rail enable the big dealers and merchants to control a larger proportion of the grain trade of the country. My own experience in the *mufassal* has been that much of the grain trade that used to be carried on locally between the actual cultivators, middlemen and the grain dealers in the local *mufassal* bazars, and used not to go beyond these parties, has now come under the control of large capitalists at more important centres. Instances have come to my notice of agents of such capitalists and of Calcutta firms penetrating into rural tracts where they were unheard of ten or twenty years ago, and buying up surplus stocks of grain before even the dealers in the nearest towns could make a bid. The influence, moreover, of large transactions in grain must necessarily now spread further and more rapidly than before. Modern conditions, in fact, tend more and more to form a world-wide market to expose the grain markets of this country to international influences; and this phase of the economic development of this country has no doubt largely contributed to a general rise in the prices of food-grains. These considerations seem to lead to the conclusion that the rise must to some degree be permanent. Other causes may be more or less temporary in their operation.

22 *Conclusions.*—So far as this Province is concerned, I am of opinion that the following causes have tended, or are tending, to raise the price of food-grains:—

(1) The poor outurn of the harvests of food-grains during the last three years, more especially of the rice harvests; and in particular the very large deficit in the produce of rice in the districts of Eastern Bengal and Assam in 1905-06 and in 1906-07 The result of this deficiency in the staple food-grain of the people, combined with the fact that the buying power of a large proportion of that people had enormously increased for the reason stated under head (2) below, was that an unprecedented demand arose for rice, that prices went up accordingly, and that large quantities of rice were exported from this Province to Eastern Bengal and Assam. The exceptionally high prices, further, induced those who had stores of rice in this Province to sell whatever they could, keeping only the minimum required to carry them on till the next harvest.

(2) The rapid rise in the price of jute of late years, especially the extraordinarily high prices paid for the crop of 1906. It has been estimated that at least 40 crores of rupees were paid for jute into the two Provinces, of which 15½ crores were clear profit. I believe it to be possible that the profits were even larger than this estimate. The consequences of this access of ready cash must have been felt in more directions than one. It must have enabled all who shared it to raise their standard of living, to purchase more of the food they relished most, (*e.g.* rice and fish), and to pay more for such food. It must also have enabled them to retain stocks of rice that would otherwise have come on to the open market, and this withholding of stocks would also tend to keep up prices. These conclusions are in my opinion strongly corroborated by the fact shown in the note by the Director of Agriculture, Eastern Bengal and Assam, already referred to, that the demand in that Province was chiefly for rice of better quality, and that a "dislike for Burma rice" was manifested. Throughout the price for Burma rice continued to be low, and yet it is believed that a fairly large proportion of the stock imported remained in the hands of the dealers. In fact, Mr. Hart writes:—"Had it not been for the profits from jute cultivation there would have been an overwhelming demand for the cheapest kind of rice, and the country would have been flooded with Burma grain."

(3) A general rise in the standard of living all over the Province, of which there is abundant evidence in many directions, for instance, in dress, in the adoption of what would in the case of the ordinary peasant in former days have been called luxuries, such as smoking, the general use of umbrellas and of shoes, travelling short distances by rail instead of walking, etc., etc. There is also evidence to show that the habit of eating rice instead of coarser grains is also extending. In many rural tracts of Bihar and Chota Nagpur the lowest classes seldom had a meal of rice, but what with migration to the tea districts

and the mills in Lower Bengal, and with the advent of railways and the spread of intercommunication between all parts of the Province, even these classes are known to be taking to eating rice. No doubt, the operation of this cause has been more gradual, extending over many years.

(4) The wider influence of the large grain merchants, and the opening up of the rural markets of this country to the world's market, in consequence of rapidly increasing facilities of communication. It is possible that the same cause had led to greater combination among the big grain dealers.

(5) Contemporary conditions in other Provinces that have helped to bring about a general rise in the prices of food-grains all over India.

(6) It is possible, too, that the result may, in the case of the New Province, be due in some degree to the consequence of the so-called *Swadeshi* movement and the political agitation being carried on. I think, however, that this cause has not operated to any appreciable extent in this Province.

23. Whether over-minting of coinage has in any way contributed to the present state of prices I am not in a position to offer an opinion.

CALCUTTA ;
The 15th August 1907.

C. A. OLDHAM,
Director of Agriculture, Bengal.

STATEMENT I.

Average price, in seers per rupee, of Common Rice, Wheat and Maize in Bengal (the present Province of Bengal).

	1900.	1901.	1902.	1903.	1904.	1905.	1906.
1	2	3	4	5	6	7	8
Common rice ...	12·92	12·06	12·65	13·58	14·44	13·34	9·98
Wheat	11·73	11·35	12·64	13·41	14·38	12·65	10·58
Maize	18·22	19·61	21·69	23·44	24·19	19·06	13·57

STATEMENT II.

Name of grain.	Normal price.	Average price on 15th July 1907.	Percentage above normal.
1	2	3	4
	Srs. ch.	Srs. ch.	
Common rice ..	12 6	7 13	+58 per cent.
Wheat ...	12 7	9 13	+26 ,,
Maize ...	19 0	11 3	+70 ,,

STATEMENT III.

Area and Outturn of Rice, Wheat and Maize for Bengal (Proper).

1	2			3			4			5	
	NORMAL.			1904-05			1905-06.			1906-07.	
CROP.	Normal area in acres	Rate of yield in maunds.	Normal yield in cwts.	Area in acres.	Percentage outturn.	Yield in cwts.	Area in acres.	Percentage outturn.	Yield in cwts.	Area in acres.	Percentage outturn.
Winter rice .	21,301,700	15	234,753,400	24,197,500	86	199,982,600	20,605,500	88	199,831,300	20,033,600	78
Bhadoi ,, ..	4,617,900	10	33,227,100	4,450,400	80	26,197,700	4,377,100	84	27,013,000	4,309,000	70
Boro ,, ...	191,100	10	1,403,000	168,000	91	1,125,200	165,000	91	1,093,800	161,700	76
Total rice ..	26,110,700	...	270,084,800	25,721,900	...	227,305,500	25,147,200	...	227,938,100	24,534,300	...
Wheat	1,237,300	(a) 11	10,670,800	1,324,000	76	8,964,000	1,248,300	74	7,932,000	1,402,600	66
Maize . ..	1,959,500	10	14,336,300	1,864,600	60	8,215,100	1,755,000	61	6,579,200	1,503,900	57

(a) Average for all ports of the Province.

STATEMENT IV.

Outturn of total rice (autumn, winter and summer) for both Bengal and Eastern Bengal and Assam.

Normal outturn.	Outturn in 1905.	Outturn in 1906.
1	2	3
Mds.	Mds.	Mds.
57,57,49,864	44,79,08,591	43,28,87,097

Note.—The figures for columns 2 and 3 have been taken from the Final Forecasts.

STATEMENT V.

Showing import of rice and paddy (converted) into, and export from, the Calcutta Block during the years 1902-03 to 1906-07.

Year.	Import into, and Export from, Calcutta Block by all routes.		Excess of imports over exports.
	Import.	Export.	
1	2	3	4
	Mds.	Mds.	Mds.
1902-03	1,37,60,746	1,12,11,477	25,49,269
1903-04	1,35,70,572	1,12,55,693	28,14,879
1904-05	1,53,34,255	1,28,91,041	24,43,214
1905-06	1,78,07,359	1,53,17,323	24,90,036
1906-07	2,01,85,819	1,50,01,855	51,83,964

STATEMENT VI.

Import of food-grains by all routes into Bengal and Eastern Bengal and Assam.

Year	Rice (including paddy converted into rice).	Wheat including wheat flour.	Other food grains.	Total.
1	2	3	4	5
	Cwts.	Cwts.	Cwts.	Cwts.
1901-02	3,832,682	2,359,961	4,512,758	10,705,401
1902-03	2,714,894	3,638,232	3,430,710	9,783,836
1903-04	1,508,492	7,374,034	2,832,440	11,714,966
1904-05	2,179,769	10,065,350	3,586,948	15,832,067
1905-06	3,047,721	4,106,748	2,417,650	9,572,119
1906-07	7,598,531	4,493,773	5,700,012	17,792,316*

* The figures for this year are for Bengal proper only, complete figures for Eastern Bengal and Assam not being available.

STATEMENT VII.

Showing total area under Jute and total area under Rice in the Provinces of Bengal and Eastern Bengal and Assam.

Year.	Area under Jute in acres.	Area under Rice in acres	Remarks
1	2	3	4
1901-02 ...	2,278,205	40,550,173	
1902-03 ...	2,145,691	41,8-1,930	
1903-04 ...	2,503,968	39,730,968	
1904-05 ...	2,941,144	42,885,043	
1905-06 ...	3,139,730	42,141,353	
1906-07 ...	3,336,400	40,661,200 (*a*)	(*a*) The marked decrease in 1906-07 was chiefly due to the unfavourable nature of the season.

STATEMENT VIII.

Trade (by rail and river only) in rice (including paddy reckoned as equivalent to $\frac{25}{40}$ of paddy) for 1902-03 to 1906-07.

Years.	Bihar Block.		Western Bengal Block.		Eastern Bengal Block.		Chota Nagpur Block.		Orissa Block.		Calcutta Block.		
	Import.	Export.	Import	Export.	Import.	Export.	Import.	Export.	Import.	Export.	Import.	Export.	Import.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds
1902-03 ...	7,20,674	9,09,623	9,23,237	56,27,544	5,81,569	52,51,712(a)	2,81,430	3,04,396	15,456	6,16,813	1,06,21,102	14,52,549	1,40,93,475
1903-04 ...	8,88,149	7,22,986	16,18,687	40,58,401	12,01,415	63,47,809(a)	4,96,279	2,14,901	8,695	13,64,825	1,15,92,258	11,49,963	1,53,05,451
1904-05 ...	6,87,654	7,78,498	11,12,821	49,12,018	9,07,081	64,52,590(a)	7,43,369	1,51,700	7,316	23,95,552	1,31,38,048	8,41,727	1,65,47,213
1905-06 ...	3,21,774	15,20,796	4,60,255	98,00,098	19,91,752	48,53,186(a)	8,40,461	5,23,447	9,659	35,42,820	1,53,81,769	12,70,881	1,91,37,670
1906-07 ...	16,90,410	9,26,706	6,78,023	74,07,457	83,83,539	21,46,220(b)	9,19,111	9,81,223	87,696	32,74,432	1,19,28,879	79,61,838	1,79,67,468

(a) The Eastern Bengal Block included in the years 1902-03 to 1905-06 the following districts :—
Parts of Nadia (east of the Mathabhanga and the Hooghly), the 24-Parganas, Jessore, Khulna, Backergunge and Faridpur.
(b) The Eastern Bengal Block in 1906-07 included the same districts, omitting Backergunge and Faridpur.

STATEMENT IX.

Year.	Estimated area under jute in acres.	Estimated outturn of jute in maunds.*	Estimated average wholesale price of jute per maund at Calcutta.	Estimated value these rates.
1	2	3	4	5
			Rs.	Rs.
1904-05	2,941,144	3,65,67,500	5·495	20,09,38,41
1905-06	3,139,730	4,04,40,465	6·647	26,88,07,77
1906-07	3,336,400	4,36,81,100	9·458	41,31,35,84

* Taking one bale as equal to five maunds.

STATEMENT X

Showing the total imports and total exports of all food-grains in 1906-07 in respect of the chief jute-growing districts in this Province.

Name of District.	Area in acres under Jute in 1906-07.	Imports of all food-grains in 1906-07.	Exports of all food-grains in 1906-07.
1	2	3	4
		Mds.	Mds.
Purnea	237,200	5,76,541	56,154
Murshidabad	104,800	1,89,720	2,19,576
24-Parganas	93,000	24,85,084	9,21,777
Nadia	90,000	12,94,055	2,87,981
Jessore	70,500	1,87,074	71,043
Howrah	56,700	Figures not available.	
Hooghly	42,200	9,67,526	2,19,435
Khulna	37,000	7,91,506	69,404
Burdwan	16,500	6,10,621	28,72,985
Cuttack	10,100	3,77,723	7,28,202
Midnapore	9,400	6,10,024	48,79,477
Balasore	5,800	39,376	25,06,974
Bhagalpur	4,700	8,56,458	17,01,804

[*Babu Radha Charan Pal; Mr. Gait.*]

CASE OF GOBIND RUTH

The Hon'ble BABU RADHA CHARAN PAL asked:—

Is it a fact that one Gobind Ruth of the Banki Government Estate in Orissa memorialized Government in November last accusing the tahsildar of that estate of bribery, as Judicial and Executive Officer, and various other acts of alleged oppression?

Is it a fact that the said Gobind Ruth submitted a petition to Government in May last in which he makes the following allegations:—

(*a*) that all documentary evidence bearing on the charges against the tashildar was forcibly seized and removed from his (the petitioner's) house by the Collector's Sheristadar before any inquiry was held;

(*b*) that the witnesses who deposed against the tahsildar were maltreated by the Police and oppressed by the tahsildar, being made to walk through villages with their faces painted black and white, dunce caps over their heads and *tom-tom* playing before them;

(*c*) that the petitioner, when he went to the Collector, was arrested and kept in *hajat* for three days, although the bail demanded from him was forthwith offered;

(*d*) that the prosecutions under section 182, Indian Penal Code, were instituted against him at the instance of the Collector, both of which were quashed by the Hon'ble High Court?

Is it a fact that, subsequent to the High Court's order another prosecution under section 182, Indian Penal Code, has been instituted against him on the same facts?

Has Government made, or does it propose to make, any inquiries into the allegations against the Tahsildar and the conduct of the Collector, as complained of? If inquiries have been made, will the Government kindly state what is the result of the inquiries?

The Hon'ble MR. GAIT replied:—

"It will be convenient if I answer together the four questions of the Hon'ble Member, regarding Gobind Ruth's case. Gobind Ruth submitted a memorial accusing the tahsildar of the Banki Government Estate of bribery. The memorial was sent to the Commissioner for investigation. A judicial inquiry was held by the District Magistrate, who found the allegations to be false and directed Gobind Ruth to be prosecuted under section 182, Indian Penal Code. The High Court were moved, with the result that the proceedings were quashed, on the ground that that section was not applicable. The tahsildar has now obtained permission to prosecute Gobind Ruth for libel. A second petition has been received from Gobind Ruth and sent to the Commissioner for inquiry."

The Hon'ble BABU RADHA CHARAN PAL asked:—

Is the Collector the same officer who was removed from Puri in connection with certain highhanded proceedings against the Raja of Puri?

The Hon'ble MR. GAIT replied:—

"The Collector was Mr. Garrett, who was Collector of Puri at the time of the incident referred to."

[*Babu Radha Charan Pal; Mr. Streatfeild; Mr. McIntosh*; *Babu Jogendra Nath Mukharji.*]

JUDGMENTS IN CERTAIN MUNICIPAL CASES.

The Hon'ble BABU RADHA CHARAN PAL asked:—

Has the attention of the Government been drawn to the judgments of the Criminal Revisional Bench of the High Court in—

(*a*) Chuni Lal Dutt *versus* Corporation of Calcutta (reported in the Calcutta Weekly Notes, Vol. XI, Nos. 1 and 2), in which the Municipal Magistrate, after having imposed a fine of Rs. 40, passed an order for the demolition of a room in a building for "having slightly altered the position of a wall in the construction of the room" on a mere "arbitrary exercise of discretion," as observed by their Lordships (Mitra and Holmwood, J.J.), who, in setting aside the order, also said:—"There is nothing in the decision of the Magistrate to indicate that he judicially considered any grounds for the exercise of the discretion vested in him by the law," and "we have no hesitation in pronouncing that the order is erroneous."

(*b*) Abinash Ch. Ganguly *versus* Corporation of Calcutta, in which the Magistrate inflicted a daily fine upon the owner of the bustee land in 82 and 83, Ripon Street, for failure to make certain bustee improvements in the said premises though the land had ceased to be a bustee land at the time of the conviction, as held by their Lordships (Mitra and Fletcher, J.J.), who set aside the sentence.

Do not the judgments tend to show that for more satisfactory administration of justice in Municipal cases and to secure the confidence of the public in it, the Municipal Magistrate should be appointed on a higher salary from the class of trained lawyers, who are better fitted to discharge the duties of a judicial officer than the members of the Executive Service, much of whose time is spent in Executive work and most of whose experience is confined to the Mufassal; and will the Government be pleased to give this important matter its best consideration?

The Hon'ble MR. STREATFEILD replied:—

"The Government has noticed the two cases referred to in the first question, and they have not produced the impression indicated in the second question of the Hon'ble Member."

SALARIES OF MINISTERIAL OFFICERS.

The Hon'ble BABU RADHA CHARAN PAL asked:—

In regard to the salaries of ministerial officers, His Honour the Lieutenant-Governor was pleased to observe at the last Budget debate that the Government was awaiting the reply of the Hon'ble Judges of the High Court, whom it had consulted on the report of the Committee; will the Government kindly state whether the opinion of the Hon'ble High Court has been received on the subject? If not, when does the Government expect to receive it, and when will the final order on the subject be issued?

The Hon'ble MR. MCINTOSH replied:—

"The opinion of the High Court has been received and has been submitted to the Government of India with the recommendations of this Government."

SUPPLY OF FILTERED WATER IN GAYA.

The Hon'ble BABU JOGENDRA NATH MUKHARJI asked:—

Considering the frequent recurrence of plague of a virulent type and of other epidemics in the town of Gaya, which is an important centre of Hindu pilgrimage, will the Government be pleased to state what steps have been taken for the supply of pure water to the town? Is any scheme for the supply of filtered or pure water to the town under consideration? If so, when

[*Babu Jogendra Nath Mukharji; Mr. McIntosh; Mr. Gait; Mr. Streatfeild.*]

is it likely to be given effect to? Is any sum raised by public subscription for the above purpose now in deposit? If so, what is the amount so held?

Does the Government consider the present system of road-watering and cleaning the town adequate? If not, what steps have the local authorities taken, or are taking, for providing a better drainage and conservancy for the town and for watering its roads?

The Hon'ble Mr. McIntosh replied:—

"(*a*) A scheme of water-supply has been approved by Government. A copy of the Government order is laid on the table for the information of the Hon'ble Member.

"(*b*) Government has no special information about the system of road-watering and conservancy. But it is understood that a drainage scheme is about to be prepared."

UNDETECTED MURDER IN PANDOO.

The Hon'ble Babu Jogendra Nath Mukharji asked:—

Is the Government aware that the murder last year of a *Kainya* in Pandoo, in the district of Palamau, has remained undetected, and that this year also four persons were found dead in the jungles of that place with gunshot wounds on their bodies? Will the Government be pleased to state what has been done by the local authorities to detect the murderers? Has Government any information as to how these four murders this year were caused? Will the Government be pleased to place early on the table all the information it has on the subject?

The Hon'ble Mr. Gait replied:—

"The local officers have received no report either of the murder of a *Kainya* in Pandoo last year or of the four gunshot murders alleged to have occurred there this year. It is almost certain that information would have been received had the murders really occurred, but further inquiries will be made if the Hon'ble Member will give us the source of his information."

MEMORIAL FOR TRANSFERRING CIVIL AND CRIMINAL BUSINESS OF PALAMAU

The Hon'ble Babu Jogendra Nath Mukharji asked:—

Is the Government aware that since 1902 certain memorialists of Palamau and Gaya districts, headed by Babu Prakash Chandra Sarkar, Zamindar of Gaya and Talukdar of Palamau, have been memorializing the Government and the Lord Chief Justice of Bengal for placing the Civil and Criminal business of the district of Palamau under Gaya district and under the Divisional Commissioner of Patna, on the ground of convenience to the public and saving of expenditure to the Government, as shown in the memorials, which were also noticed by the local papers of Calcutta and Patna? In view of a proposal to constitute two Commissionerships in the Patna Division as it exists at present, will the Government be pleased to take into consideration the recommendations of the Acting Chief Justice of Bengal and of Mr. R. R. Pope, the late Judicial Commissioner of Ranchi, in that respect, as also to consider on general grounds the advisability of placing the Civil and Criminal business of the district of Palamau under the District and Sessions Judge of Gaya?

Will the Government be pleased to state what has been done in the above matter since 1903, when Government was questioned on the subject by the Hon'ble Dr. Ashutosh Mukherjee?

The Hon'ble Mr. Streatfeild replied:—

"The Government has from time to time received memorials from Babu Prakash Chandra Sarkar and others in favour of placing the Civil and

[*Mr. Streatfeild; Babu Jogendra Chandra Ghose; the President.*]

Criminal business of the Palamau district under the Judge of Gaya instead of the Judicial Commissioner of Chota Nagpur. The Lieutenant-Governor has considered this proposal in all its bearings, and has come to the conclusion that the change suggested would not on the whole be for the benefit of the people of the Palamau district.

"The circumstances are practically unaltered since Government replied to a question on the subject in 1903 by the Hon'ble Dr. Ashutosh Mukherjee."

SALARY COMMISSION'S REPORT.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to say whether the opinion of the High Court on the Salary Commission's Report has been received and whether it is now in a position to pass final orders on the matter?

[The Hon'ble the PRESIDENT said:—"This question has already been answered."]

PENSION RULES OF PROVINCIAL JUDICIAL SERVICE.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Has the Government come to any final decision about the relaxing of the Pension Rules of the Provincial Judicial Service to which its attention was drawn by questions asked in this Council before?

The Hon'ble MR. STREATFEILD replied:—

"The question referred to is still under the consideration of the Government of India."

TECHNICAL EDUCATION.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

(*a*) Has the attention of the Government been drawn to the fact that the great and beneficient measure which will have far-reaching results announced in the Calcutta Gazette of the 28th August last of instituting technical degrees in mechanical engineering, electrical engineering and mining, on the lines of European Universities, is incomplete without degrees in industrial chemistry, including tincturial chemistry, which was included in the scheme framed by the Committee appointed by the Government for the purpose of preparing a scheme for technical education? Will the Government be pleased to mention the reason of the omission?

(*b*) Will the Government be pleased to say whether it is prepared to confirm what was stated by the Director of Public Instruction in his letter to me, dated the 6th of April, 1907, which was published in the newspapers with his permission that the instruction for the degrees mentioned above in the classes of the Sibpur Engineering College would be, so far as the conditions of this country admit, on a par with instruction imparted in similar classes in Europe?

(*c*) Will the Government be pleased to say whether it intends to take any measures for the teaching of ceramics?

(*d*) Will the Government be pleased to say what steps it intends to take about the teaching of the rearing of silk-worms, and reeling, weaving and dyeing of silk?

The Hon'ble MR. STREATFEILD replied:—

"(*a*) A scheme has been submitted to the Government of India for the opening of classes at the Civil Engineering College, Sibpur, in technological chemistry and in dyeing and the chemistry of dyeing, and is still under consideration.

"(*b*) It is proposed that the instruction imparted in these classes shall be on a par with that imparted in Europe as far as local conditions permit.

"(*c*) On the teaching of ceramics, Government is not yet prepared to make a pronouncement.

[*Mr. Streatfield; Babu Jogendra Chandra Ghose; Mr. Gait; Mr. McIntosh.*]

"(*d*) The question of rearing of silk-worms and reeling, weaving and dyeing of silk is under the consideration of the Director of Agriculture."

SILTING UP OF THE RIVER GORAI.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Has the Government received an application from the inhabitants of the sub-division of Kushtia proposing certain measures about preventing the silting up of the river Gorai, and will the Government be pleased to make an inquiry into their feasibility?

The Hon'ble MR. GAIT replied:—

"Applications have been received from the inhabitants of Kushtia sub-division asking that some steps may be taken to improve the channel of the Gorai river at its offtake from the Ganges. The matter has been carefully inquired into, and the petitioners have been informed that it is not practicable to do anything to improve the present conditions."

DREDGING OF THE ATHARABANKA.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

With reference to a question put by me on 12th January last in the Council, the Under-Secretary to the Government of Bengal informed me, by a letter dated the 4th of April, 1907, that when the channel through the Madaripur *bhil* had been dredged, it would probably be necessary to do some dredging also in the Atharabanka. Will the Government be pleased to say what has been done in the matter and by what time the work may be taken up?

The Hon'ble MR. GAIT replied:—

"The dredger which is to be used for deepening the channel through the Madaripur *bil* has not yet been completed. It is expected that she will commence dredging in November next. Efforts will be made to preserve the same depth of water in the Atharabanka as in the channel through the *bil*, and the dredger will be used there when necessary. The Atharabanka does not at present need dredging, as very little silt was deposited last year."

DRAINAGE SCHEME OF JESSORE.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to say what progress has been made about making the scheme for the drainage of the district of Jessore, which, I was informed in answer to a question put by me on a previous occasion, was in course of preparation by a Committee appointed for the purpose? By what time any decision on the matter may be expected and when it is probable action may be taken?

The Hon'ble MR. MCINTOSH replied:—

"Notifications were issued last May under the Sanitary Drainage Act appointing Drainage Commissioners. The Commissioners have not submitted their preliminary scheme and estimate yet. They will be asked to expedite it."

PROPOSED TRANSFER OF KALIGANJ THANA.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Has the Government received a representation by some of the inhabitants of thana Kaliganj protesting against the transfer of that thana from the Sadar sub-division of Jessore to the sub-division of Jhenida? Will the Government be pleased to consider the reasons given by the petitioners against the change?

[*Mr. Gait; Babu Bhupendra Nath Basu.*]

The Hon'ble MR. GAIT replied:—

"The representation referred to by the Hon'ble Member has been received. The reasons urged by the petitioners against the change were considered by Government before the orders for the transfer of the thana were passed.

"The orders were passed after consulting the Commissioner and Collector and the Inspector-General of Police as to executive work and the Hon'ble Judges of the High Court as to judicial work, and after considering all the opinions available."

DARJEELING MURDER CASE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

The Government was pleased in answer to a question put by the Hon'ble Mr. J. Chaudhuri at the meeting of the Council held on the 18th August, 1906, to state that its attention had been drawn to the judgment of the High Court in the Darjeeling murder case and the comments therein on the conduct of the Police in connection with the case, and that full consideration would be given to the matter with a view to the issue of such orders as might appear to be advisable:—

(*i*) Will the Government be pleased to state what action has been taken by the Government in the matter?

(*ii*) Has the Government noticed (*a*) that the confession of Gumandhoz, wood-cutter, acquitted by the Sessions Judge, was taken at 2 A.M. at the house of the District Superintendent of Police, the man being handcuffed and held by two constables with a rope round his waist; (*b*) that Bhim Doyal, the police officer, was described both by the Sessions Judge and the High Court as "unscrupulous;" (*c*) that prosecution witnesses were kept either in *hajat* or in jail?

(*iii*) Has the Government been able to find out under whose orders the blood-stained articles were destroyed before the investigation was made over to the unscrupulous Bhim Doyal?

The Hon'ble MR. GAIT replied:—

"1. A careful inquiry was made into all the circumstances of the case and a full report was submitted to the Government of India.

"2. (*a*) After the finding of the *kukri* in Gumandhoz's house, he and Panche were taken to Darjeeling. A statement made by Panche was recorded by the Deputy Commissioner at the District Superintendent's house at about 1 A.M. on the 20th, and subsequently a statement made by Gumandhoz was recorded. Gumandhoz was held by two constables while he made his statement. He seems to have been handcuffed and to have had a rope round his waist, but the District Superintendent and Inspector Bhim Doyal were not present at the time. Mr. Garrett, in his evidence before the committing Magistrate, said that he considered that the confession of Gumandhoz had been voluntarily made, and that Gumandhoz showed no signs of speaking otherwise than voluntarily. On this point the evidence of Ulfat Hussain, Mr. Garrett's peshkar, may also be referred to. It may be that Mr. Garrett would have been better advised if he had waited till the morning before recording these statements and had dispensed with the presence of the constables in charge of Gumandhoz. On the other hand, any delay would have involved the two men being longer in the custody of the police before their statements were recorded, and as regards Gumandhoz being guarded by constables, it must be remembered he was under suspicion of having committed a violent crime.

"(*b*) The Sessions Judge used the expression 'injudicious' in regard to certain proceedings of Inspector Bhim Doyal. He did not call him unscrupulous, and nowhere in his judgment did he arrive at the conclusion that the police had in fact been guilty of malpractices. On the other hand, he said he

did not believe the allegation that Gumandhos was maltreated. The High Court described Bhim Doyal as unscrupulous; but it must be remembered that he was not on his trial, and that he had no opportunity of rebutting the accusations made against him by the Counsel for the accused. There is nothing on the record which would justify a positive finding that the police were guilty of discreditable action. The case was a very serious one, and the Inspector acted throughout under the close personal supervision of the Deputy Commissioner and the Superintendent of Police, with whose full knowledge and approval every step in the inquiry which he conducted appears to have been taken. In the opinion of Government, after careful inquiry, the Inspector is free from all blame.

"(*c*) The detention of one witness (Pancho) in custody was due to an order of the Deputy Commissioner. According to his own statement he was almost, if not quite, an accomplice. He made no complaint of ill-usage or of being forced to say anything which he did not wish to say. The arrest of another witness (Manilal) was due to the fact that having been an occupant of Dharam Singh's house on the night of the murder, he was at first regarded as a possible abettor. The Deputy Commissioner himself was responsible for his detention. A third witness (Jangi) says he was detained at the thana for eight days, but this is denied by the police and the statement is uncorroborated.

"3. It was under the Deputy Commissioner's orders that the druggets and other blood-stained articles in Mr. Goss's bed-room were burned. He passed this order on his arrival at the scene of the murder on the 19th February, 1906, because they smelled. This was an unfortunate and ill-advised step, but no suspicion can attach to it."

BLOCK OF PROMOTION IN PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Is it not the fact that owing to the policy followed since the partition of retaining in the Provincial Executive Service of Bengal a large proportion of European and Eurasian officers, and of native officers of the province, nearly one-third the number of such officers from their relative places in the grades have been transferred from each grade to Eastern Bengal and Assam, and there has consequently been a depreciation in the reasonable expectations of promotion amongst officers remaining in Bengal? If so, will the Government please consider the propriety of bettering their prospects of promotion, similarly as the Government of Eastern Bengal and Assam are doing with respect to the Assistant District Superintendents of Police serving in that province?

The Hon'ble MR. GAIT replied:—

"The principle followed at the Partition was to transfer to Eastern Bengal and Assam a proportionate number of appointments in each grade of the Provincial Service. In practice, however, it was not found possible in all cases to transfer from each grade a number of officers equal to the number of appointments transferred. Officers preferred to remain in this province even though they lost promotion by so doing. The result, at the separation of the cadres in February, 1906, was a slight temporary dislocation of promotion and a certain inequality in favour of officers in Eastern Bengal and Assam. But, when the increase in the cadre of Deputy Collectors was sanctioned, with effect from April, 1906, a large number of promotions was made which more than compensated for any loss caused by the separation of the cadres."

ADDITIONS TO CADRE OF PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Was it not the removal of the existing block in promotion one of the objects in making additions to the cadre of the Provincial Executive Service, and will the Government please make a statement showing how far the appointments, since made, have served to remove the block in promotion, especially in the first four grades?

[*Mr. Gait; Babu Bhupendra Nath Basu.*]

The Hon'ble MR. GAIT replied :—

"The Hon'ble Member's attention is drawn to the Hon'ble Mr. Carlyle's reply of 12th January, 1907, to a question by the Hon'ble Babu Jogendra Chandra Ghose. It was not one of the objects of Government in making additions to the cadre of the Provincial Executive Service in 1906 to remove the alleged block in promotion. The extra appointments were distributed amongst the various grades according to the scale adopted in 1901."

PROMOTIONS IN PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

(*a*) With reference to the Press *communiqué* made by the Government on the 30th January last relating to promotions in the Provincial Executive Service, notified in the Calcutta Gazette of that date, will the Government be pleased to make public its reasons for selecting officers for promotion to the vacancies caused by the increase in the cadre in the first four grades, "by a more rigorous method of selection than is usually made"?

(*b*) Will the Government be pleased to state whether it is aware that this system of promotion differs from that adopted by the Government of Eastern Bengal and Assam in filling up such vacancies in these grades of their service?

The Hon'ble MR. GAIT replied :—

"(*a*) As stated in the Press *communiqué*, no member of the service had a right to be promoted to vacancies caused by the increase in the cadre. It was thus possible to reward officers of special merit without interfering with the legitimate expectations of promotion entertained by other members of the service.

"(*b*) The answer is in the negative."

APPOINTMENT OF EUROPEAN AND EURASIAN OFFICERS IN PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked :—

With reference to the Hon'ble Mr. Carlyle's reply to the Hon'ble Babu Jogendra Chandra Ghose's question in this Council meeting of the 12th of January last and of his reply to the question put by myself on the same subject in this Council meeting of the 23rd March last, will the Government be pleased to lay on the table a statement showing the appointments recently made (*1*) of European and (*2*) of Eurasian officers in each of the several grades of the Provincial Executive Service, on the grounds respectively of (*a*) "exceptional merit" and (*b*) of "special qualifications" required in strengthening the service, first in filling up the existing vacancies and secondly in filling vacancies caused by additions to the cadre?

The Hon'ble MR. GAIT replied :—

"Excluding probationers, seven Europeans and Eurasians were appointed last year to the Executive Branch of the Provincial Civil Service, *viz.*, five European officers to the fourth, fifth, sixth, seventh and eighth grades, respectively, and two Eurasian officers to the seventh and eighth grades respectively.

"The officers appointed in the fourth to the seventh grades were selected on the ground of special qualifications. They already held appointments carrying a rate of pay which made it necessary to place them in the grades mentioned above. The officers appointed in the eighth grade were promoted from Sub-Deputy Collectorships on the ground of exceptional merit.

"All these appointments were made to fill vacancies caused by the increase of the cadre."

[*Babu Bhupendra Nath Basu; Mr. Gait.*]

PROMOTION BY SPECIAL SELECTION OF MERIT.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Is the Government aware that the rules of 1893 (subsequently extended to apply to all branches of the Provincial Civil Service) relative to promotion to grades above Rs. 400 in the Provincial Executive Service, *by special selection of merit* without regard to seniority alone, were not made to apply retrospectively, and therefore ought not to apply to officers appointed before 1893, especially to such as entered under the existing rules of competition?

The Hon'ble MR. GAIT replied:—

"It was the recognized practice even before 1893 to appoint to the higher grades only officers 'of special merit and ability.' The rules of 1893 were intended to apply to all officers then in the service."

APPOINTMENT TO HIGHER GRADES IN PROVINCIAL EXECUTIVE SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Will the Government be pleased to state how the appointment of European and Eurasian officers from outside directly to the higher grades of the Provincial Executive Service is likely to strengthen the service; and will it lay on the table a statement showing the number of such officers employed during the last 20 years in (*1*) the Judicial branch of the Provincial Service and (*2*) in the difficult Executive and Revenue branches of the Executive Service, namely, the Excise, the Income-tax, the Batwara, the Treasury, the Settlements, Land Acquisition, Khas-mahals and Wards?

The Hon'ble MR. GAIT replied:—

"The appointment of several Europeans and Eurasians from outside directly to the higher grades of the Provincial Executive Service strengthened the service because the persons appointed had already shown their capacity for work in other responsible appointments. As explained in reply to another question, it was necessary to offer them a higher salary than that of the lowest grade in order to induce them to join the service. The collection of the information asked for in the second part of the question would require an expenditure of time and trouble for which the results obtained would apparently not compensate; and Government does not consider it necessary to collect it."

RESTRICTIONS TO EMPLOYMENT IN PROVINCIAL EXECUTIVE SERVICE

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Will the Government, in conformity with its declared policy, take steps to restrict in future the more extended employment in the Provincial Executive Service of Europeans and Eurasians, especially those who are not domiciled in this country?

The Hon'ble MR. GAIT replied:—

"Government has no intention of increasing the proportion of Europeans and Eurasians employed in the Provincial Service. As far as possible, new appointments of Europeans will be made from amongst those who are domiciled in India."

FLOGGING OF SUSIL KUMAR SEN.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(*a*) Has the attention of Government been called to the order of Mr. Kingsford, the Chief Presidency Magistrate of Calcutta, sentencing Susil Kumar Sen, a boy of respectable parentage of the age of 15 years, for having assaulted a European policeman?

[*Babu Bhupendra Nath Basu; Mr. Streatfeild; Mr. Slacke.*]

(*b*) Has the attention of Government been called to the circumstance that the Pleader for the accused applied to the Magistrate to direct that the sentence should be carried out in Court in the way of school discipline, and that the Magistrate refused to do so, and ordered the boy to be whipped in jail, where whipping is administered on the bare buttocks by placing the accused on the triangle?

(*c*) Has the attention of Government been called to the fact that the Pleader for the accused wanted to place the Circular of the High Court before the Magistrate if he would give him a minute's time, and that the Magistrate refused to grant this time, and left the Court.

(*d*) Has the attention of Government been called to the fact that the Circular was immediately after taken by the Pleader to the Magistrate's chambers and shown to him, but the Magistrate refused to be guided by the Circular or to comply therewith?

(*e*) Is the Government aware that the order passed by the Chief Presidency Magistrate and the mode of its execution have created a deep and widespread feeling of resentment?

(*f*) Will the Government be pleased to consider the effect on the public mind of such a sentence inflicted upon a young lad of respectable parentage, having regard to the present state of feeling in the country and to issue instructions as to the mode in which a sentence of whipping is to be administered to young lads of respectable parentage?

The Hon'ble MR. STREATFEILD replied:—

"The attention of Government was called to the newspaper reports of this case on which the Hon'ble Member seems to have based his question. Inquiry has shown that these reports are inaccurate in several important details which are included in the question.

"The order of the Magistrate was passed in his judicial capacity it the exercise of a discretion which he has under the rules, and on his exercise of which in individual cases it is undesirable that the Executive Government should express an opinion.

"There is no necessity for the issue of any general instructions; as the orders of Government included by the High Court in its Rules on the subject, are quite clear and adequate."

THE CALCUTTA PORT (AMENDMENT) BILL, 1907.

The Hon'ble MR. SLACKE moved that the Bill to amend the Calcutta Port Act, 1890, be taken into consideration by the Council. He said:—

"It is needless, I think, to make any remarks on the details of the Bill, as they are given fully in the Statement of Objects and Reasons."

The motion was put and agreed to.

Clause 2.

The Hon'ble MR. SLACKE also moved that after clause 2 of the Bill the following be inserted:—

"3. For sub-section (*1*) of section 20 of the said Act, the following shall be substituted, namely:—

'20. (*1*) All debentures which are issued under the authority of this Act shall be in such form as the Commissioners, with the previous consent of the Governor General in Council, shall from time to time determine.

Form and transferability of debentures.

(*2*) The holder of any debenture in any form duly authorized under this section may obtain in exchange therefor, upon such terms as the Commissioners shall from time to time determine, a debenture in any other form so authorized.

[*Mr. Slacke; Mr. Gait.*]

(*3*) Every debenture issued by the Commissioners shall be transferable in such manner as shall be therein expressed.'

"and the existing sub-section (*2*) shall be re-numbered sub-section (*4*)."

He said:—"The need for the amendment is due to the fact that the present form of debenture is not suitable for all requirements. A similar section exists in the Bombay Port Trust Act of 1879, but with this difference, *viz.*, that here the sanction of the Governor General in Council will be necessary, whereas there the approval of the Local Government is sufficient."

The motion was put and agreed to.

Clause 5.

The Hon'ble MR. SLACKE also moved that after the present clause 5 of the Bill, the following clause be inserted:—

"In sub-section (*1*) of section 91 of the said Act, for the word 'Third' the word 'Second' shall be substituted."

He said:—"This is merely a consequential amendment following what has already been approved by the Council."

The motion was put and agreed to.

Clause 8.

The Hon'ble MR. SLACKE also moved that for clause 8 of the Bill the following be substituted:—

"The Second Schedule to the said Act is hereby repealed, and the existing 'Third Schedule' shall be re-numbered 'Second Schedule.'"

He said:—"This is also a mere consequential amendment."

The motion was put and agreed to.

The Hon'ble MR. SLACKE also moved that the numbering of the clauses of the Bill be altered in accordance with the foregoing changes.

The motion was put and agreed to.

The Hon'ble MR. SLACKE also moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

THE CALCUTTA AND SUBURBAN POLICE (AMENDMENT) BILL, 1907.

The Hon'ble MR. GAIT presented the Report of the Select Committee on the Bill to amend the Calcutta and Suburban Police Acts of 1866.

The Hon'ble MR GAIT moved that the Report of the Select Committee be taken into consideration. He said:—

"Your Honour—The object of the Bill was explained by me at the time of its introduction, and it is unnecessary to repeat what I then said. As regards the general principle, there has been no dissentient voice. It has been approved of by all sections and classes. The only adverse criticisms which were received regarding the actual provisions of the Bill refer to matters of detail, and chiefly to the powers which it is proposed to confer on the Commissioner of Police and his subordinates. These criticisms were carefully considered by the Select Committee; and several clauses of the Bill have been modified accordingly. I need not take up the time of Council by explaining these modifications, as the reasons for them have been given in the Select Committee's Report.

"Most of our critics, however, take their stand on the ground that the Bill does not go far enough. It has been urged, for instance, that solicitation should be made a cognizable offence. Section 68B of the Calcutta Police Act, and section 41A of the Calcutta Suburban Police Act, which were inserted by the Calcutta and Suburban Police (Amendment) Act, 1895, make the offence punishable on complaint of the person solicited or of two or more inhabitants or passers-by. A reference to the Proceedings of the Council held on the 23rd March, 1895, at which those sections were considered and passed, will show that the question whether the offence of solicitation should be made cognizable was most carefully considered; and it was decided that it would not be safe to entrust to the Police the power of making arrests of their own motion. It was pointed out that section 253 of the British Public Health Act, 1878, only allowed arrest on the complaint of the person aggrieved, and that the same principle is the recognized law of other countries also. The Select Committee have adhered to the opinion then expressed that it would be most unwise to give the Police the power to arrest otherwise than on complaint.

"It was proposed by more than one public body that provisions should be inserted in the Act to enable the Commissioner of Police to deal with the White Slave Traffic and the rescue and protection of children. The Select Committee considered, however, that these subjects were foreign to the scope of the Bill. Moreover, they could not be dealt with in it without a fresh reference to the Government of India and the Secretary of State. This would have caused a most undesirable delay in passing the Bill into law.

"Since the Report of the Select Committee was drawn up memorials have been received by the Lieutenant-Governor from the Society for the Protection of Children in India, from the Calcutta Missionary Conference and from the Women's Temperance Union, urging the absolute necessity of taking steps to provide for the rescue of children of tender age from brothels and houses of ill-fame. These memorials will receive the full and sympathetic consideration from this Government which they demand. The memorialists may rest assured that they will not be neglected. The subject with which they deal cannot, however, be taken up in connection with this Bill.

"With regard to the drafting of the Bill, it will be seen that, in clause 2, the new sections to be inserted have no numbers. The reason of this is, that the numbering will be different in the two Acts in which the sections are to be inserted. After this Bill is passed, the new sections will be numbered 43, 43A, 43B, etc., in the edition to be published of the Calcutta Police Act, 1866, showing the changes made by the present measure, and 17, 17A, 17B, etc., in the like edition of the Calcutta Suburban Police Act, 1866."

The motion was put and agreed to.

The Hon'ble MR. GAIT also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

The motion was put and agreed to.

Section 2.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE moved that in section 2, sub-clause A, for the words "that the order should have been passed against some person other than himself" the words "the order should not have been passed against him" be substituted. He said:—

"I am conscious of the fact that the provisions of the Bill are, on the whole, beneficent, and for them we ought to be thankful to the Government. But when strict laws are made, there ought to be some safeguards against oppression. The power of adjudicating houses to be disorderly houses is not vested in the Police in England, but in the Magistrate, for the reason that it would place a bad but poor and weak and helpless class of persons at the mercy of the Police. In Calcutta, we are going to give the Police that power. I would not object to that, though it is going further than England. But what I propose is, that

the person against whom the order is made shall have the right of showing that the order of the Police was wrong, taking the burden of proof on himself or herself.

"The Bengal Chamber of Commerce have submitted the following considerations on the matter to the Council. They say:—'The new section 43B vests a Magistrate with power to punish persons who have not complied with the orders passed by the Commissioner of Police under sections 43 and 43A. If this provision be allowed to stand as it is drafted, a person cannot escape punishment by a Magistrate for disobedience of an order passed by the Commissioner of Police unless he can satisfactorily prove that the order in question ought to have been made against some person other than himself. That is to say, he cannot prove himself to be innocent, except he can prove some one else to be guilty. The evils with which the Bill proposes to deal are of such a peculiar character as to call for a drastic and summary remedy. But nevertheless, it seems to be quite possible that the Commissioner of Police might make a mistake in passing a particular order at all, and not merely in passing it against a particular person. The Committee acknowledge that such mistakes are unlikely, having regard to the class of cases in question. But all the same they may occur and the Committee think they should be so provided against that it should be open to a person charged with the breach of an order not only to show that the orders should not have been made against him, but that it should, in effect, never have been made at all either against him or any other person.'

"The Calcutta Trades Association say:—'It is not considered desirable to require a person charged under the law as it will be amended when the Bill is passed to establish the guilt of a third person in order that he may avoid punishment. It is submitted that in this direction the amended law would not afford adequate protection to a perfectly respectable woman living by herself, if she happened to be falsely or by mistake charged with keeping a house for use as a place of assignation. It would be most inequitable to require such a person to prove the guilt of a third party in order to obtain for herself the protection to which the law should entitle her.'

"The British Indian Association oppose it altogether.

"I have quoted the opinion of the Bengal Chamber of Commerce and the Trades Association as embodying the most important of the reasons against the proposed law. The Select Committee have made no substantial alteration. It is practically as it was before. It may be said that when the other has been made you may show that the house is not used in the manner complained of. But the section says that the person proceeded against must show that the order should have been passed against another. I know of no provision of any law in the Indian or the English Statute Book in which such an absurd proposition is laid down that a person must prove the guilt of another before he can establish his innocence. It is against all principles of law, and should, in any case, be omitted."

"I have already mentioned to you why I agree with the Bengal Chamber of Commerce, the Trades Association, and most of the Public bodies consulted on the matter that the person against whom an order is made by the Police should have at least the right to show before a Magistrate that it was wrongly made. I certainly do not wish to give any opportunities to the class of persons against whom the provisions of the law are directed, to escape punishment. But weak, poor, helpless women should not be placed entirely at the mercy of the Police. It is said that it would be sufficient if the non-user of a house for immoral purposes be established. But what protection is there to a respectable woman living alone as the Trades Association points out, being branded as a public woman or a procuress by an order which can never be shown to be wrong? Protect the morals of the people. But before you cast out helpless women, and allow them to be stoned, you should allow them a judicial trial at least."

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"May it please Your Honour: I should like, with Your Honour's permission, to offer a few remarks in connection with this section. I was not a Member of the Select Committee, but

I have tried to go very carefully through the wording of this section. It will be for Hon'ble Members now to consider whether what was intended by the Select Committee has been carried out by the words used in this section. It has been explained by the Select Committee, with reference to this section, that the complainant in a trial under it must prove his case, just as he has got to do it in any other criminal trial. It has been held however by the Calcutta High Court, following a Ruling of the Privy Council, that the Report of a Select Committee cannot be referred to in interpreting a Statute. It will be necessary therefore, for the Hon'ble Members to come to an authoritative decision as to the procedure that has to be followed in a trial under this section.

"In order to shorten the existing procedure, it has been laid down that the initial order passed under the previous section by the Commissioner of Police should not be questioned. To my mind, we may take this order to be an executive order, which is likely to operate without any detriment to public safety or convenience; but when we come to the next question, namely, that of punishment for disobedience or contempt, we find it has been stated in the Report of the Select Committee that the complainant must prove his case as usual, and that the ordinary procedure in the trial of a criminal case should be followed; it seems to me however that the use of certain words to which I shall presently refer has confused that idea to some extent.

"If we allow that the present clause in the Bill means that if any person against whom an order has been passed by the Commissioner of Police, under sub-clause (*c*) of the preceding clause, uses the house, room, etc., in a manner which contravenes such order, after the period stated therein, he thereby renders himself liable to punishment, it implies that two things have to be proved by the prosecution: first, that a certain person has been doing certain things; and, in the second place, that a house or room or a place has been used in a certain manner which is condemned by the preceding section. If the Select Committee say that the complainant must prove all these things, what then is the use of saying that, unless the accused is able to prove to the satisfaction of the Magistrate that the order should have been passed against some person other than himself, he makes himself liable to punishment? The wording of the section without these words conveys a complete idea, which is that when the prosecution has established its case the accused must be punished. We will introduce a very serious confusion into the operation of this section by introducing the words 'unless he is able to prove to the satisfaction of the Magistrate that the order should have been passed against some person other than himself.' How this section with its present wording will be interpreted by the Courts trying cases under it, it is difficult for us to foresee, but at any rate we must remember that Reports of Select Committees, as I have alrealy said, have been held by the Calcutta High Court as something not to be considered in interpreting a section. Other High Courts have no doubt held differently, but so far as our High Court is concerned, that is the interpretation so far as I know. I think it will be best for all concerned, if under these circumstances an authoritative decision be given by the Council on this point: I mean that it should pronounce that the ordinary procedure laid down in the Code of Criminal Procedure is to be adopted in the trial of cases under this section.

"As I have said, a real difficulty has been introduced by the words 'unless he is able to prove, etc.' In this view of the matter I beg to support my hon'ble friend's amendment, but in a qualified form. It seems to me, that one way of improving the wording of the section is to substitute the words 'is proved to have used' for the word 'uses' in the fourth line of this section. This to my mind would tend to mitigate the severity of its operation, but still I think it will not go far enough so long as the words 'unless, etc.,' are retained; but if they are struck out as the second amendment proposes, I think the difficulty might be altogether removed. The two things appear to me, as I have pointed out already, to militate against each other. The section as it stands, either means that the prosecution has been relieved of its duty of proving a case, or it means something which it is very difficult to understand. Then again it means that the accused has to prove that the offence

[*Babu Jogendra Nath Mukharji; Mr. Gait; Babu Jogendra Chandra Ghose.*]

was committed by somebody else and not by him. What then is the significance of these words?

"The difficulty to my mind is intensified by the fact that the whole tenor of this Bill is to shorten the procedure as it is laid down in the present Police Acts, and Magistrates working under that impression might think that the proposed section means something extraordinary, and that the ordinary procedure law is not to be followed, specially inasmuch as we find in clause 2 of the Bill that the Commissioner of Police is entitled to proceed on mere information in issuing the preliminary order. A Magistrate may think, under these circumstances, that a mere statement of the fact that an accused person has used the house, etc., in a particular way after the passing of the preliminary order is quite enough to throw the onus on him in the subsequent contempt proceedings against him, and that the only way for the accused to exculpate himself in these proceedings is by proving that somebody else is responsible and not he. This seems to me to be an altogether undesirable state of things, and therefore of the two amendments standing in the name of the Hon'ble Babu Jogendra Chandra Ghose, the second amendment appeals to me more strongly than the first. I submit that the words 'unless he is able to prove to the satisfaction of the Magistrate that the order should have been passed against some person other than himself' be omitted from this section."

The Hon'ble MR. GAIT said:—"I cannot accept the amendment. Before a person can be convicted under sub-clause A, as it stands in the Bill, it will be necessary to prove that he has used the house as a brothel after the issue of an order that it must not be so used.

"If this is proved, I can see no reason why the accused should be allowed to take shelter behind the plea that, although the house has been used as a brothel since the order was passed, the order ought not to have been passed because it had not been so used previously. I think it is quite sufficient if it is proved that the house has been used as a brothel after the date of the order."

The motion was put and lost.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE also moved that if the above amendment be lost, in section 2, sub-clause A, the words "that the order should have been passed against some person other than himself" be omitted.

The Hon'ble MR. GAIT said he accepted the amendment, if the words "unless he is able to prove to the satisfaction of the Magistrate" were added to the words "proposed to be omitted."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE agreed.

The motion was put in the form proposed by the Hon'ble Mr. Gait and carried.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE also moved that section 2, sub-clause C, be omitted. He said:—

"The power to prohibit music and singing which is proposed to be given to the Police may lead to unnecessary oppression and annoyance. It will do no good to anybody. We have lived so long in comfort with all the disturbances which are proposed to be removed, and the urgency of the necessity of legislation certainly does not exist. Calcutta is less noisy now as regards music and singing than it was 20 years ago. There have, however, arisen another class of noises of which we had no idea before. The noise of the tramcars is certainly a greater disturbance to the residents of a street through which they pass than the sound of any occasional music or singing. Why then legislate against the latter?

"There is another and more serious consideration. During the last 3 or 4 months we have read report of three cases in three districts of official highhandedness in prohibiting the sound, I believe, of conch shell, *sankirtan* and gramophone. Only two or three days ago we read that an order, under section 144, was made against the scion of a noble and ancient house because the sound

of his gramophone was disagreeable to his neighbour, a Civil Surgeon. I cannot shut my eyes to the fact that there are many Anglo-Indians, some of them very good men too, who do not find it easy to treat with ordinary courtesy and forbearance, Indians however high-born or learned they may be. All Indian music is a nuisance to European ears, even English musical instruments played by Indian neighbours, I find are invariably regarded as nuisances."

"In Calcutta town, in the European quarter of Chowringhee, to my knowledge there have been several cases of disagreement on this score between Europeans and their Indian neighbours. Now I am afraid Indian gentlemen and noblemen if they reside in the neighbourhood of Europeans, may be unnecessarily annoyed and hauled up before the Police, and swell the ranks of the disaffected."

"I cannot support a measure which will be a cause of annoyance to the people, and add to the disaffection in the country for no earthly good. The Police in England do not possess the power which they are going to have in India. In India, all experimental legislation is allowable. But this measure, I am afraid, will lead to very undesirable results. I cannot, therefore, support it."

The Hon'ble MR. GAIT said:—"I cannot accept this amendment. The matter was fully considered in the Select Committee, and we agreed then that the provision was a desirable one. As a matter of fact, it has been inserted, not for the benefit of Europeans, as the Hon'ble Member insinuates, but for the benefit of Indian gentlemen residing in the northern part of the town, where the inconvenience is the greatest on account of the noise which is made at night by coolies and other low castes who live in that neighbourhood."

The motion was put and lost.

The Hon'ble MR. GAIT said: "Your Honour: Before making the last motion which stands against my name on the List of Business, with your permission, I beg leave to move a further amendment of the two Acts affected by this Bill.

"The Commissioner of Police has represented that, as the law at present stands, a police-officer is not allowed to arrest a drunk and disorderly person if the latter's name is known to him or can be ascertained. I would refer the hon'ble members to the wording of section 72 of the Calcutta Act and of section 43 of the Suburban Act. The offence of being drunk and disorderly is committed most often by habitual drunkards or bad characters, whose names are well known to the Police. Unless persons of this class can be arrested when they are drunk and disorderly, it is impossible to keep order in the public streets. I regret that my attention was called to this defect in the Acts too late to allow of the amendment I now propose being considered by the Select Committee or circulated in the List of Business; but I am sure that this Council will agree with me that it is very desirable and will support me."

"I beg with your permission, Sir, to move that in section 72 of the Calcutta Police Act, 1866, after the words "in his view" the words "an offence described in section 68; and may so arrest any person committing in his view," be inserted, and that a similar amendment be made in section 43 of the Calcutta Suburban Police Act, the figures '41' being substituted for the figures '68.'"

The Hon'ble BABU JOGENDRA NATH MUKHARJI said:—"I have not had time to consider the effect of the amendment, but reading the letter of the Commissioner of Police, it seems to me that what is wanted is that this Council should legislate that a drunken and disorderly person should be taken into custody under certain circumstances, but section 68 of the Calcutta Police Act refers to other matters as well, so that if the whole of it was included perhaps we might be going beyond what was contemplated by the Commissioner of Police. I would ask Hon'ble Members to consider whether it would

[*Babu Jogendra Nath Mukharji; Mr. Gait; Babu Kali Pada Ghosh; Babu Bhupendra Nath Basu.*]

not be better to confine ourselves to what the Commissioner of Police actually wants, and in the drafting introduce only those words, which are in the letter itself, *viz.*, 'found drunk and incapable of taking care of himself.' If that suggestion commends itself to Hon'ble Members, I think it would be better than adopting words in respect of which we cannot form any definite conception at the present moment."

The Hon'ble MR. GAIT said:—"I am unable to accept the suggestion of the Hon'ble Babu Jogendra Nath Mukharji. The Commissioner of Police wished to omit the last clause altogether, but we objected to that proposal, on the ground that it should not be carried out without full consideration by the Council, so the proposal was narrowed down to the one now put forward. I think that all the offences described under section 68 are offences for which the Police should be able to arrest. The Police in the mufassal have the power to arrest in such cases."

The Hon'ble BABU KALI PADA GHOSH said:—"We have had very short notice of the amendment, and I think some confusion may arise in interpreting it; but in view of the explanation given by the Hon'ble Mr. Gait, I will not press my objection."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"I understand from the Chief Secretary that the amendment is intended to apply in the case of persons who are old offenders, and whose names and whereabouts are known to the Police. These old offenders, under this section as it at present stands, cannot be arrested, because their whereabouts are known, but in the case of a first offender, he may be arrested; so that the amendment practically removes what at present is an anomaly in the Act and, therefore, I think it may be accepted."

The motion was put and agreed to.

The Hon'ble MR. GAIT moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Council was then adjourned *sine die*.

CALCUTTA;
The 17th September, 1907.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.